

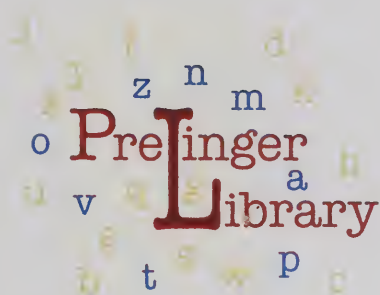


**CRIMINAL
INVESTIGATION
and
INTERROGATION**

GERBER and SCHROEDER

SCIENCE IN LAW ENFORCEMENT SERIES

From the collection of the



San Francisco, California
2008

Criminal Investigation and Interrogation

A COLLECTION OF EDITED LECTURES PRESENTED
AT VARIOUS INSTITUTES OF THE LAW-MEDICINE
CENTER, WESTERN RESERVE UNIVERSITY IN
COOPERATION WITH THE CUYAHOGA COUNTY
CORONER'S OFFICE, CLEVELAND 6, OHIO

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SCIENCE IN LAW ENFORCEMENT SERIES



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PREFACE

The cooperation of many individuals produced this volume. Grateful acknowledgment is given to each. The Law-Medicine Center owes special gratitude, however, to the following:

Erle Stanley Gardner, and his devoted secretarial staff as well as an employee who consented to become "Jerry the Creeper" and an executive of a neighboring cattle ranch. Without the cooperation of these individuals the practical problem in law enforcement investigation would not have been produced.

George H. Hatherill, Commander, Criminal Investigation Department, New Scotland Yard, London, England.

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The Editors

June, 1962

INTRODUCTION

This volume presents edited lectures and cases on criminal investigation and interrogation for the general practitioner in law enforcement. Those individuals who have had limited opportunities to develop and to train investigative and interrogative techniques should benefit greatly. More experienced criminal investigators will also find values in this book for it offers rare opportunities to compare their investigative methods with methods suggested by our distinguished authors.

This publication, which is the first volume in a series to be known as the "Science in Law Enforcement Series", has several purposes:

To present with simplicity and clarity elementary investigative and interrogative procedures;

To mesh the knowledge on science in law enforcement as understood by the University academician and as understood by the police practitioner by utilizing both instructive lectures and actual cases;

To serve as an educational tool for the law enforcement officer at all levels and in all agencies, but especially the general police practitioner in small and medium sized police agencies.

The opportunity to present in the same volume such world famous criminal investigators as Commander George H. Hatherill, the head of "Scotland Yard" and Erle Stanley Gardner, the king of detective story authors, is unique and fortunate. Both are old and respected friends who have been of great aid to our police education program at The Law-Medicine Center.

INTRODUCTION (Continued)

The material in this book will not grow old. It is basic. The book should not be merely read. It should be studied and studied continually. In this way, maximum usefulness can be obtained. New situations which the police officer experiences will open new vistas of knowledge contained in this volume.

One final thought - for nearly a decade the police education program at The Law-Medicine Center has attracted several thousands of law-enforcement officers. Their enthusiasm and eagerness to learn have overwhelmed us. May this book be as a fresh spring of knowledge to a thirsty and dedicated profession.

Oliver Schroeder, Jr.

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Chapter 1

The Police Officer and His Scientific Aids *

by
George H. Hatherill

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§1.1 Introduction

At the outset of this lecture I would like to emphasize that I shall be presenting these subjects from the English point of view. Incidentally, I say "English" because, again, in Great Britain the Scottish Police have quite a different procedure. There may be times when I shall refer to what we do or do not do in England. These particu-

*The material in this chapter originally appeared in "International Lectures on Police Science" and is used here with permission.

lar practices may be entirely different from those in the United States.

I have worked in many countries on the continent of Europe. I know intimately their ways of working and systems. They do many things which the English would not do and, in fact, would not be allowed to do in England. Nevertheless, every country develops its police organizations and systems of working according to its national circumstances, problems and, of course, above everything, the characteristics of the people. For instance, in the United States there are many problems that just do not exist in Great Britain. To mention only one, I have the impression that there are a large number of crimes of violence in which firearms are used. I think the same trouble applies in all the big countries in Europe, but fortunately for us in Great Britain, crimes in which firearms are used are very rare. As a consequence, our police are not armed. However, I would be the last, knowing what does happen in these other countries, to suggest that the police of those countries should not be armed. In fact, any move in that particular direction by the police authorities of those countries would be utter stupidity.

Another problem in the United States which is very serious and acute so far as officers engaged in the enforcement of law are concerned, is the narcotic problem. That, too, needs the employment of special sections in the various police forces to combat it. So far as we are concerned, we have one officer at New Scotland Yard engaged on this problem for the whole of London, and even then it is not a full-time job for him.

§1.2 Three principles of investigation

There are three principles which should be mentioned. First, I always emphasize at our Detective Training establishment that scientific aid to a criminal investigation must always be viewed in its proper perspective. All the spade work is done by the investigating officer, whose responsibility it is to decide what scientific assistance is likely to be forthcoming, and to indicate to the scientific expert exactly what he has in mind. The scientist will never solve a crime, but often he can provide an additional link,

or strengthen one which already exists in the chain of evidence. In short, the scientist is the "handmaiden" of the investigator.

Next, it is often said that to bring a case to a successful conclusion, one must have a certain amount of luck. Looking back over the years, I am inclined to agree with this. But I do want to emphasize that the element of "luck" in a case, can be assessed at about two percent, but to get that two percent, one has to put in ninety-eight percent of hard, solid work. To quote our famous Statesman - work involving often "blood, toil, sweat and tears" - and if one doesn't put in that ninety-eight percent, the little bit of luck will not be forthcoming.

Finally, and this is the most important of these three principles, when an investigating officer is called to the scene of a serious crime, murder for instance, much depends upon what has been done before his arrival. In our country, in 999 cases out of 1000, the first officer on the scene of a crime is the police constable on the beat, or the uniformed officer who has been patrolling in a car and is sent to the scene of a crime, directed there by wireless as the result of a call to Scotland Yard. He is not a trained investigating officer, so much depends upon what he does and does not do when he arrives at the scene of a crime. Blunders on his part can jeopardize a successful investigation. Furthermore, he may be followed by a junior detective officer who, through lack of experience, is likely to do something foolish, or alternatively, omit to do something which is necessary.

§1.3 Duty of first officer at scene of crime

We must bear in mind that the scene of the crime can be teeming with information and important clues from which, in most cases, the success of the investigation will depend. Because of what can be learned from this information, it is most important to train all police officers that it is the duty of the first officer arriving at the scene of a crime to act so that nothing is lost through negligence, thoughtlessness, or stupidity. If clues are destroyed they can never be brought back again; the task of determining what actually occurred then is made impossible.

Therefore, the duty of the first officer at the vital spot is to act on his own initiative, to size up the area of the scene of the crime and to isolate it in such a way that no valuable clue is lost. When doing this, it is far better that he should make his boundary too wide than too narrow. No hard and fast rules can be laid down, but if he is trained concerning his general responsibilities, he will, when called upon to act, know what his duties are. As a result, the task of the investigating officer becomes easier.

§1.4--Sightseers and reporters

One big problem that will always be present is that in most cases there is a large number of other people - sightseers, the usual morbid sensation hunters, press reporters - all milling around and destroying evidence on the vital spots by handling, moving and altering the details of the crime. Often in a few minutes the whole physical set-up has been so completely changed that it bears no resemblance to the scene as it was left by the criminal after committing the crime.

We in England do not allow press reporters to the scene of a crime until we have done completely all that is necessary.

One case, in particular, is recalled where a prostitute had been found murdered in a flat over a shop. The daily help discovered the murder, ran downstairs screaming and a crowd of people went up there. A young police constable was called and when the investigating officer arrived he found the flat jammed with people. At the other end of the entrance passage was the bathroom and under the bath was a door mat. One could have imagined that in the struggle between the dead woman and her murderer, this mat was kicked along the passage into the bathroom. However, when we questioned the daily help she remembered quite distinctly that the mat was at the front door when she first went in. It had been kicked into the bathroom by the hordes of people who had gone in and out of the flat after the discovery of the crime. The young police constable had not asserted his authority and cleared the place on his arrival. I leave it to your imagination to guess what else had been disturbed in that flat.

Therefore, it must be strongly emphasized to officers that when they first arrive at the scene of the crime they must take steps to get all persons not connected with it out of the way.

§1.5--Fingerprints

Not an unusual event in murder cases out in the country is for the fingerprint expert to find fingerprints all over a house where a person has been murdered. When he has checked these marks with the fingerprints of all those who have been in the place after the discovery of the crime, he has often found that most, if not all, the fingerprints are those of police officers who have been on the scene.

In one case which occurred in the country, the fingerprint expert found on the scene of a crime fingerprints belonging to twenty-three different police officers who had been in the place! One police officer had left his beautiful prints on a brass knob of a bed in which a woman was found murdered. Underneath his prints was a strange print which could not be identified owing to its having been partially destroyed by the officer. We were never able to determine whether that print was left by the murderer. Strong advice to police officers on keeping their hands off things is most necessary.

§1.6--Firearms and objects

In another case a man was found shot. Everything pointed to its having been a suicide, but the gun was found on the mantelpiece in the room. As death had been instantaneous (it looked as though the man had placed the muzzle against the side of his head for he had really and truly scattered his brains all over the place) it was obvious he could not have put the gun where it was found. It was first thought to be a case of murder. Subsequent inquiry revealed that one of the police officers early on the scene had picked up the gun from the floor near the body and placed it on the mantelpiece!

Many officers, when they find a weapon on the scene and have it removed for some imperative reason, have the general idea that it must only be handled in a cer-

tain way so as not to destroy any fingerprints. Many think that putting a pencil in the muzzle of a gun and raising it that way, is the best. This is a mistake for, as the scientist will tell you, it destroys the evidence within the barrel. This is often of vital importance. If the weapon must be removed, then the way to do it is to grip the fluted or milled surface of the butt where no fingerprint can be found, or to grasp it by the ring, if there be one. If bullets or cases are found on the scene, their relative positions must be marked. In any case where a weapon has been removed, the officer should be able to say exactly how he handled the weapon and why and what he did with it.

In another case, where a man was found strangled in his bed, the officer in charge of the investigation found a large number of used "Vesta" matches in the grate. "Vesta" matches are a special type of match manufactured in London and quite different from the ordinary match. He also found a number of cigarette ends. Search of the house established that the dead man had no matches of this type. It was first thought that the dead man had had his murderer in the room with him for some time before he was killed, talking to him, and that the murderer had been smoking and using this particular make of match. Later the investigating officer, when interviewing the officer who first went to the scene, noticed him light a cigarette with a "Vesta" match. A few questions put to him brought out the fact that while he was sitting in the room waiting for other officers to arrive, he smoked, throwing the matches he used and cigarette ends into the grate.

§1.7--Notation of changing conditions

It is important to emphasize to the officer first at the scene of a crime and awaiting the arrival of the investigating officer, that he should make a note of various matters that can change with the passage of time - such as the state of weather, the temperature of the room, light and smell. He should note the state of the body and any other obvious clues that he may see. But it must be strongly made clear to him that he is not to interfere with them in any way. It is for others to puzzle over the meaning of these various things. One thing which should be especially

stressed is that it is not for him to form any theories as to whether it is a suicide or murder. He must suspect the worst and take the fullest possible precautions.

Among some of the things he should note must be:

- (1) His time of arrival.
- (2) The doors: open or shut, locked or not, and which side of the doors the keys, if any, are on.
- (3) The windows: open or shut, whether the catches are in position or have they been tampered with; any broken panes.
- (4) The electric light switches: on or off, and what lights are on. This particular point is often of the utmost importance where a person may have been lying dead for some time. The investigating officer has to decide whether the crime was committed by day or night. It is so common for people to go into rooms, switching on the lights if it is a little dark and then not turning them off. When the investigating officer arrives he cannot establish whether or not the light had been left on by the criminal.
- (5) Blinds and curtains: drawn or not.
- (6) Smell: any smell of cigars, cigarettes, gas, gunpowder, fire, explosive, perfume, petrol or acid and, to be quite comprehensive, any smell that he can identify.
- (7) Weather: raining, frost, snow, ice, fog, or mist.

As already stated, the officer must be careful not to move anything and, in addition, must prevent anybody else from doing so. It has happened that a family decided to start tidying up, such as righting overturned chairs or straightening out rugs. I know of one case where the family even started mopping up the blood!

§1.8--Removal of injured persons

In the event that the officer comes on the scene and finds a person badly injured, his first duty is to render assistance, to call medical aid, and eventually to have that person removed to hospital. In that case he should try, even in the stress of the moment, to make a mental note of the position of this person and the general attitude of his limbs. Soon after the person is removed, he should mark the position where he was found. In these cases it is better, if possible, to remain on the premises and not accompany the injured person removed for treatment. In such cases, he can perhaps find some responsible person to accompany the injured man or woman. If the injured man is in good hands for the moment, the duty of the policeman is to remain at the scene of the crime and to protect it.

One thing which can be mentioned in connection with an injured person who is being removed is that the officer should make a quick examination of his fingernails to see if they contain any hair or skin, for example, which may be cleaned away later. The clothes, too, should be quickly examined for any such clues.

§1.9--Moving the corpse; hangings

Where the person is dead, and that state should be apparent to any police officer, then the body must not be touched or moved in any way. If that person has been dead some time, there are the livid stains caused by death, which is most important information to the doctor who will conduct the post-mortem. When the body is moved it may cause the blood to flow. It sometimes flows after death and this may mislead the doctor.

With regard to persons found hanging, an officer called to deal with this must, so far as we are concerned, take the person down and see if it is possible to preserve life by artificial respiration. It is important, however, when cutting the rope, not to cut the knot. If a knot cannot be slipped off the neck the noose should be cut. It sometimes happens that the knot may give some guidance to the investigator, for men in different trades or occupations make typical knots according to their occupation. Hangings may be suicides or they may be murders. It is not for the

first policeman on the spot to theorize on that. His primary duty is to try to save the victim by cutting him down and applying artificial respiration. After that he should search for clues, that is, to note where the fixed end of the rope is and how it is so fixed. Ropes passed over branches or beams may provide excellent clues by examination of the outer fibers of the rope at the branch or the point of friction. They may even indicate something about the hoisting up of the victim. There have been cases where apparent suicides have turned out to be murders through following up such clues as these.

§1.10--Checklist for first officer at scene

A list of "do's and don'ts" for the first policeman upon the scene of a serious crime is as follows:

- (1) Take careful stock of the situation; act methodically and with caution; be prompt to prevent the escape of an offender.
- (2) Secure aid for an injured person and remember the necessity of accounting for their condition and position.
- (3) Isolate the place under guard. It may be necessary to take rough and ready measures to do this, for example, by roping off, locking doors, putting planks or furniture across to prevent the passage of idle spectators. Isolate too much rather than too little. In cases of crime committed in the open, get help to divert traffic where necessary.
- (4) Procure witnesses, obtain names and addresses and, where possible, separate them, thus preventing their recollection of events being colored by what others may say.
- (5) Make a note of everything seen or heard.
- (6) Prevent trespassing by unauthorized persons and thus obviate interference with any fingerprints, footmarks, property or other clues which may be present.

- (7) Communicate at the earliest possible moment with headquarters.
- (8) In murder cases, call doctor and insure he does not move the body except as necessary to establish death.
- (9) No furniture or other property in the room or other place in which it is assumed an offense has been committed should be moved, or in any way interfered with, except to save life, until the officer responsible for the investigation has arrived. An exception to this rule concerns possible clues which may fade because of the atmosphere, for example, fingerprints in wax or other fatty substance. In such event, remove to a safe place and be able to account for the position and condition of the article.
- (10) Prevent handling of articles or trampling or breaking at the scene which may destroy possible clues. Do everything possible to preserve clues. This may tax one's ingenuity, for example, in bad atmospheric conditions or in cases of fire.
- (11) Make a note of any statement made by a victim and have the same witnessed by a third party.
- (12) If death is by hanging, remember the importance of preserving the knot.
- (13) Be accurate and methodical. Do not allow the success of the inquiry to be jeopardized by losing one's head at the outset. The police officer's job is to preserve. Be a watchdog rather than a blood-hound. Carelessness in this respect may well result in the best clues being destroyed in the course of a vain search to find new clues.
- (14) Avoid long discussions with the press, spectators or witnesses.
- (15) Give the fullest possible account of all material matters including measurements, times, state of atmosphere and such to the investigating officer as soon as he reaches the scene.

- (16) Finally, leave all theorizing to those who take charge of the case.

§1.11 Arrival of officer in charge of investigation

Then we come to the second stage - the arrival of the officer who takes charge of the investigation.

Fiction generally depicts an investigator arriving at the scene of a crime, taking a look around, hearing a recital of the facts and then brilliantly giving the identity of the criminal in a flash. In real life the officer in charge of the inquiry begins his work with system, accuracy and caution. It may often mean long hours of work before he arrives at any proper result. It can be a long, laborious and tedious business. For one thing, he must not jump to any conclusions - as they should come at the end of the investigation, not at the beginning. His first job, of course, is to hear from the officer on the spot, what he has done, whom he may have kept as possible witnesses, with names and addresses, and what that officer may have discovered. If the clues have been preserved, as already suggested, his task will be enormously lightened.

In our police force we feel that the officer in charge of the investigation visiting the scene of a crime should be accompanied by only one other officer. Together they will make their examination, the junior officer noting everything that the senior officer wants noted. We feel that too many officers on the scene are likely to get into each other's way and perhaps unwittingly destroy clues. To quote an old proverb - "Too many cooks spoil the broth."

§1.12--Photographs

The first thing that should be done is to have photographs taken so that there is a permanent record of the scene of a crime as first found. The photographs should be taken from all angles. They should include two or three showing the scene in a general way, particularly in relation to its surroundings. Thus a house in which a murder has been committed will generally be photographed from the outside to show the roadway, garden, outside doors and outhouses. Later, a person seeing the photograph will be

able to see how the fêlon gained entry or made his exit. It is important to note that the scale of the photographs should be accurately given as well as the conditions under which the photographs are taken, whether by flashlight or daylight.

In the English courts, in cases of serious crime, the photographer himself is always called to prove the photographs. He may be asked how the photographs were taken. His testimony on this point becomes part of the evidence.

§1. 13--Pathological examination

After the photographing has been done, it is well to have the pathologist then examine the body. Such a man will do his part without destroying possible clues. It is important for him to know whether the body has been moved or not. If it has been moved, how and how long ago. He will give the police officer a rough estimate perhaps of how long before death had occurred, and an opinion as to the cause of death. Later, when the post-mortem is made, of course, he will be able to give more accurate details. For instance, where death has occurred through a sharp instrument being used, such as a knife, he should be able to give some idea of the type of weapon, such as the length and width of a blade, whether it has a double-cutting edge, and so on. Where death has occurred through the use of a firearm, he will be able to give, to some degree, the distance at which the firearm was fired. Of course, he will look for any bullets that may be in the body.

The police officer in charge of a case in England is always present at the post-mortem examination of a body, in order to preserve continuity of the inquiry and to take possession of bullets found in the body, or other material exhibits.

It is also important that before the body is taken away to the mortuary, a careful note should be made of the state of the clothing, as this in subsequent inquiries can also be important.

§1. 14--Blood stains

If there are blood splashes about, it is well to point this out to the pathologist. Blood stains on objects at

the scene of a crime are very important clues. They may often be of decisive significance. The form and position of blood stains often give valuable information regarding the course of events. Drops of blood falling vertically onto a hard surface will assume various forms according to the height of fall. Splashes of blood which fall in an oblique direction against a surface assume a drawn-out form which varies, according to the speed of the splash, from the shape of a pear to that of an exclamation mark. Sometimes a small drop is set free and thrown a considerably longer distance forming the dot under the exclamation mark. The dot or the pointed end of the splash shows the direction of travel. By studying the appearance of such drops or splashes, it is sometimes possible to determine where an assault occurred, the position of the injured part of the body during the assault, where the criminal was at that moment, whether the victim attempted to evade the criminal, and the number of blows given. One also has to consider the possibility that they might have been produced by swinging a blood-covered weapon or from the movement of an injured limb, for example, to avoid another blow. Then there is the spray formed by a blow from which the blood spreads out in all directions. A pathologist of some experience can give much information to the investigating officer on this.

§1. 15--Examination of scene

After the pathologist has played his part, then comes the examination of the scene. This can be quite lengthy. As I have already mentioned, it is important that the police officers themselves should make no false clues. So, at the beginning one should arrange, if the officers are going to smoke, to have a receptacle for the cigarette ends, used matches, paper, etc. in order to avoid any confusion with the real clues. When measuring anything, do not assess distances. Exact measurements must be taken. There is no place in police work for "about a yard away from the door." In the notes that are made the investigating officer should record whether doors or windows are closed, blinds drawn, position and attitude of body, state of clothes, any smell, condition of weather, and so on. Many a thorough search will yield correct results. When one considers what

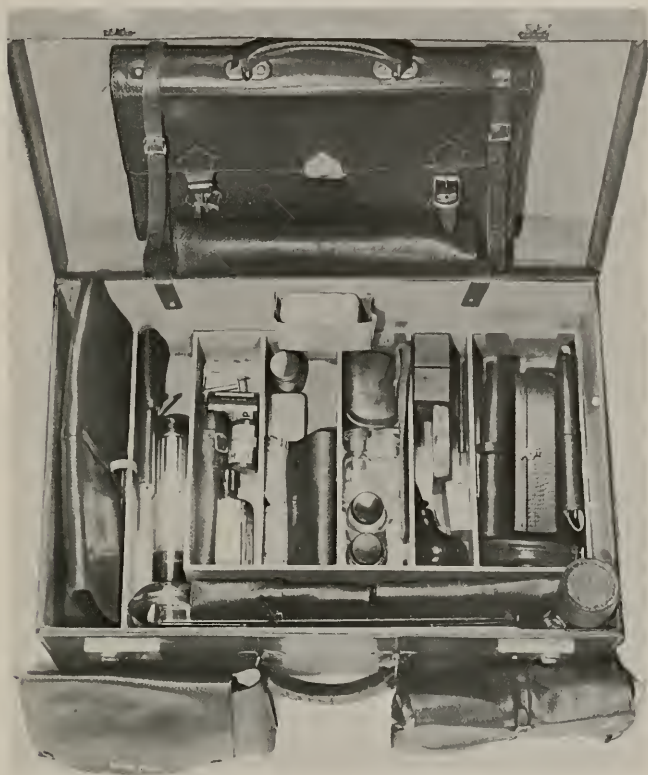
there may be - footmarks, fingerprints, tool marks, fire-arms, weapons, apart from clues on the body - one cannot emphasize the thoroughness with which this examination must be made.

§1. 16--Scotland Yard "Murder Bag"

We, in Scotland Yard, when going to a scene of a murder, take with us what is known as a "Murder Bag." It contains the following:

fingerprint outfit	pocket books
metal footprint former	labels, tie-on and sticky
24 in. boxwood rule	handcuffs
60 ft. measuring tape	white linen bandages
2 metric rules	cotton wool
compass	towels
torch	napkins
magnifying glass	briefcase
pencil torch with reflector	statement paper
lenses	ordinary tape
glass-stopped glass bottles	adhesive and transparent
screw-topped glass bottles	tape
needle holder	transparent paper bags
standard thermometer	two transparent paper
small cardboard boxes	bags, (gusset type)
overalls	2 dozen sheets white paper
rubber apron	
disinfectants	
soap box	
sponge	
clinical thermometer	
scissors	
probes	
lancets	
pliers	
tweezers	
test tubes	
glass boxes	
rubber bands	
envelopes	

The bag measures 24 in. x 16 in. x 9 in. and when open appears as shown below:



§1. 17--Preservation of clues; samples

When the investigation is complete, the officer will want to take away clues in the form of samples. The greatest possible care must be exercised in seeing that such clues do not lose their value while being transported. Clues should not be handled for the hand may be dirty and give off sweat (which is slightly acid), hence the use of the tweezers. It must be remembered that clues should not get "mixed up" nor placed in unsuitable containers which may destroy them. We have a set of rules printed in these "Murder Bags," as follows:

- (a) Do not allow the exhibits to become contaminated.
- (b) Label all exhibits when they are found.
- (c) Do not forget to enter on the label the name of the officer who discovered the object and its exact location.
- (d) Do not place hair, fibres, or other minute particles in envelopes or containers without first placing them in the white paper provided.
- (e) Do not place objects in unsuitable containers.
- (f) Do not use dirty containers.
- (g) Do not allow fragile fragments to become disintegrated by being placed loose in containers.
- (h) Bullets and small articles for similar tests should be first wrapped in cotton wool and then placed in cardboard boxes provided.
- (i) Indelible pencil must not be used for entering any particulars.
- (j) Do not use ink when labelling liquids.
- (k) Do not put fibrous or cloth articles in receptacles containing cotton wool.
- (l) Do not put corrosive liquids in metal or cork-stopped containers. Use the glass-stopped containers provided for this purpose and do not forget to seal the stopper with rubber surgical tape.

§1. 18--Fingerprint expert

While the investigating officer is examining the scene of a crime he should have the fingerprint expert at work there. Fingerprints, which are found at the scene, of a person who later becomes suspect, can be strong evidence. I do not think it is necessary to touch upon the fingerprint expert's work, how he photographs fingerprints found at the scene of a crime, or what he does with objects on which fingerprints are found. That is a subject of a full lecture in itself.

§1.19--Objects connected with the crime

With certain things at the scene of a crime the investigating officer can make up his mind whether a scientific examination of these objects or matters can help him in his investigation. For instance, there was the murder case which I investigated, where a motor lorry had been standing stationary on an earth road and oil had leaked from its back axle onto the ground. In that case I had dug up a considerable quantity of the earth and had it sent to a laboratory where they determined the grade and quality of the oil. This proved to be important evidence at the subsequent trial.

In cases where a person is suspected of having been poisoned by someone having access to the house, a thorough search must be made of places and receptacles where the poison may have been kept. Any suspicious papers used as containers, dust in drawers, tins and so on should be packed separately and forwarded to the laboratory.

It is hardly necessary to mention that plaster casts should be taken of any strange footprints at the scene of a crime. An examination should always be made of fire-places and stoves to see if any papers have been burned. If such be found, these should be removed with great care so that the burned or charred paper is not broken. If there should be a wad of papers folded together, it is better not to attempt to separate the different layers of paper. The remains should be kept and sent to the experts in their original state. Charred and burnt papers are best sent in a cardboard box, separated with wadding, great care being taken, of course, not to violently shake them in transit.

§1.20--Cigarette butts

Cigarette ends found on the scene of a crime are often informative. The experts can sometimes determine whether the tobacco is Virginia or Oriental. An examination of the paper may result in some information being obtained as to the brand and makers. Of course, if lipstick is found on the cigarette end, that should be noted. The laboratory may be able to give identification of the lipstick. Also there is the possibility of determining blood grouping from the saliva.

While talking about cigarette ends, it is of significance to note how a cigar or cigarette end has been put out, such as pressed against an ash-tray, nipped off, gone out by itself, or left to burn completely to ash. You may later have a suspect who is a cigarette smoker. While questioning him give him a cigarette and see what he does with it when he has smoked it. I remember a case where we found cigarette ends which had been put out by being nipped. Later when I was questioning a suspect I gave him a cigarette, I saw him squeeze the end out between the forefinger and thumb when it had burnt out.

§1.21--Blood stains

I have mentioned blood. It is most important that blood found on the scene of a crime should be sent to the laboratory for grouping. If the object cannot be taken to the laboratory, the blood stain can be scraped off with a razor blade, clean knife or similar tool onto a piece of filter paper or white blotting paper. The material removed should be then placed in a clean sample tube.

Blood stains on the ground are simply preserved by taking up the blood-soaked earth with a trowel or knife and placing in a glass jar. When doing this be careful that there are no worms or insects in the earth as they eat blood. When removing blood-stained earth, it is important to note the depth to which the blood has penetrated the soil. So far as blood stains on grass are concerned, I have tied some string round the tufts of grass and then cut underneath it with a knife, placing the tuft in a carton or glass jar. With blood stains on plants, I have pulled them up by the roots and kept the plants fresh by wrapping damp moss round the roots. In the case of blood on twigs and leaves of shrubs and trees, I have cut off the twigs or leaves and placed them in cartons or glass jars. If the blood is still wet it should be noted and the objects should not be placed in a tightly closed container as the blood would putrefy. Any blood stains which have not coagulated can be taken up with a dropping tube (such as an eye-drop tube) and packed in a sample tube.

So far as blood-stained garments or draperies are concerned, the article itself should be forwarded to the

laboratory complete. If, of course, it is a large piece of furniture, for example, blood on the upholstery of a sofa, one has no option but to cut out the blood stained area of upholstery. However, I have had on one occasion a bed with the mattress and bed clothing taken complete to the laboratory.

§1.22--Dust and hair

With weapons that have been used in violent assaults, it is important always to remember that these should be handled and packed very carefully, as adhering to the weapon may be hairs from the victim. With regard to clothes, it is most important, if sending them to the laboratory, to pack them separately, otherwise things such as dust or hair on one garment, if packed loosely with other garments, can be transferred to those garments.

If, when examining the scene of a crime it happens to be a place where there are dust characteristics of that place about, it is well to take a few samples. Later you may find a suspect. A laboratory examination of his clothes and of the soles and heels of his boots or shoes may bring up particles of that dust. The same, of course, would apply to broken glass, fragments of paint, splinters of wood, which may have become attached to a suspect when breaking into premises.

It is most important to make a note of the material of the clothes a murdered person was wearing. We had a case recently in London where a man killed two women. He committed suicide in Germany but on his clothes were found red woolen fibres from a jumper of one of the women, blue woolen fibres from the dressing gown of the second woman, apart from blood and other things.

§1.23 Conclusion

In conclusion, I cannot emphasize too strongly the making of notes as the examination of a scene of a crime proceeds, a very detailed list of all articles seized, all matter sent on to the pathologist or laboratory, and what is done with it.

The officer in charge should have a second officer make notes of all the investigating officer's comments upon the data he collects, for a report must be made of all that is known of the crime. It must be so accurate that it will stand minute investigation at any given time later. In short, it should be as full and informative as possible.

Finally, it should be remembered that the scientists can only assist you in investigating a crime - they cannot solve it for you. But when enlisting their help it is most important that you should, wherever it is possible, give them the right material for them to examine. In addition, it is also important to tell them what you have in mind when sending things to them for examination. Make a point of going over the whole case with them. I tell them what theories I had and what I thought might bear relation to any material I sent to them for examination with the events in the actual crime. I keep them informed as to developments. If you indicate to them in what direction you are travelling, they will often be able to tell you from their results if you are taking the right direction.

When commencing an investigation in the old days, I always had in mind that with success a man would be charged with the crime and would appear before a jury made up of twelve ordinary citizens, picked from the general population. Therefore, it is necessary as far as possible to keep the evidence to straightforward facts which they can understand. I did not unnecessarily call in scientific experts to prove matters which were evident and clear. I also had in mind that, apart from the fingerprint expert, whenever a scientific expert was called to give evidence on some particular subject, it was likely the defence would call two or more other scientists to contradict what the expert for the prosecution had said. If one has too many scientific experts in the witness box all contradicting each other, the result is quite obvious - the jurors are listening to things about which they have no deep knowledge. They are likely to say, "Well, if all these scientific people cannot agree among themselves as to the facts, how can it be expected that we can understand them?" The result will be to reject the evidence tendered by the prosecution and, possibly, acquit a guilty person.

Chapter 2
Surveillance *
by
George H. Hatherill

Section

- 2.1 Introduction
- 2.2 Observation and description of a suspect
- 2.3 --Peculiarities or mannerisms
- 2.4 --Colors
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- 2.8 Keeping observation
- 2.9 Undercover officers
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- 2.11 Use of motor vehicles
- 2.12 Disguises and clothing of officers
- 2.13 General instructions in surveillance

§2.1 Introduction

This paper really covers two subjects - observation on suspected persons and on the premises they use. It needs no emphasis that this is a most important aspect of police work.

I do not propose to deal with criminals definitely wanted for an offence, to be arrested on the spot; but rather, the suspect whose identity is not yet established; whose activities the police are interested in in order to link him with other persons already in custody or wanted; or to connect him with certain premises; or to wait for him to collect stolen property; or to lead us to suspect premises; or to meet other thieves or to supply a missing link in a chain of evidence.

"Anything worthwhile doing is worth doing well" has special application to observation duty. Anyone can follow an innocent and unsuspecting person. That is just

*The material in this chapter originally appeared in "International Lectures on Police Science" and is used here with permission.

child's play. But the suspect with a guilty mind who, if he has any reasonable intelligence at all, can anticipate that he may be followed, is a different proposition. Only the right officer, with a lively intelligence, anticipation and imagination, will do a successful job of keeping him under observation.

§2.2 Observation and description of a suspect

Before enlarging upon this particular matter, a few words should be said about observation coupled with description. It is really astonishing to find how many police officers have not developed these latent faculties. There is no question that many investigations have been handicapped by a poor, incorrect and incomplete description of a suspect. Incomplete descriptions are worse than useless because they are often so misleading. Again, that type of police officer will fail to get from a witness a "word perfect" picture of a suspect. One should remember what is really meant by "observation" and "description." "Observation" can be described as really seeing what one is looking at; "description" is the ability to tell what one has seen. In the average person these faculties are undeveloped but they can, without too much training, be developed to a great extent. It is remarkable when talking to two different people who have seen the same incident, how different is the account each may give of what he saw, although I should perhaps say that this does not apply so much to women when describing other women.

Accurate observation requires a certain amount of system. If an observer looks at a person first at his head, then at his feet, then at the middle, for example, he will miss many important details. He should have a starting point and travel methodically mentally from head to foot. If describing a room, for instance, he should start at the door, work round the walls until he arrives back at the door, then at the floor and ceiling. After this preliminary examination, he can approach and examine in detail things or points of special interest. When making up a description of what he has seen he should follow that sequence. It will be so easy to remember. Then, having seen all, he should not trust his memory but get it down in the form of notes.

An accurate description of a person is of the utmost importance, as is the ability to make use of a description when one is given. When obtaining a description of anybody from someone else, a police officer should be patient and thorough in his questioning of that person so as to get such a good mental picture that he would recognize the person in question.

§2.3--Peculiarities or mannerisms

When getting this picture, of course, it is important to obtain any peculiarities or mannerisms. Too much stress cannot be laid on the necessity for noting some feature or characteristic which is peculiar to the person being described. It is no good just getting a description of features. Apart from the fullest description of these particular points, and the age and height, one should try to get the weight, build, eyes, hair (not only the color but whether wavy or curly, thick or thin, baldness front or temples, and so on); the complexion, including color, pimples or blotches, scars; the head, the shape of forehead, eyebrows and nose, mustache, lips, teeth, ears, chin, face, neck, shoulders, posture, walk, dress and peculiarities.

§2.4--Colors

Another thing when obtaining or giving descriptions is the weakness in men upon colors. I will confess, quite frankly, that so far as colors are concerned, I group them into the plain white, black, green, red, blue and yellow. I say to my wife when she has bought, for instance, a new jumper, "That's a very nice red jumper you have." She replies that it's either maroon, cerise, scarlet, crimson, or so on. If I talk about a green garment she has purchased, I am told that it's turquoise, lime, or jade. We may think this is rather humorous, but if you put out a description of a woman, for instance, and say that she is dressed in a red jumper, to a woman it will mean "red" and not one of the other colors I have mentioned. I remember investigating a crime of kidnapping a child by a woman. Several women who had seen the woman take the child away said she was dressed in a leopard skin coat.

I took the precaution of taking these witnesses down to a furrier's. They were shown a leopard skin coat. They said it was not that pattern. When shown an ocelot skin coat, they immediately recognized that coat as similar to the one worn by the woman. When issuing the description of the wanted woman to the press and emphasizing the difference between a leopard skin and ocelot skin, I made all the women of London "ocelot minded." The wanted woman was seen by a woman and was picked up.

§2.5--Motor vehicles

You will remember how in the HILL case I described the boys remembering so minutely the details of the lorry. That, of course, is nothing exceptional so far as boys are concerned. Another thing I found about them during the war was the 100 percent accuracy with which they could identify a plane, whether British or German, and what type it was.

It is, of course, most important for a police officer to be able to describe motor vehicles of all types, not only the make, whether it is a saloon or not, its color, if possible the upholstery, wheels and not forgetting any mascot on the radiator. It is not necessary to emphasize how important such a description of a car can be in certain cases.

§2.6--Developing powers of observation

I am not exaggerating when I say one can develop one's powers of observation to such an extent that one can recognize a person walking in the dark when he appears only as a form by his very walk or gait. Again, of course, there is the sound of his footsteps.

All these qualities should be developed in a police officer as without them he is useless for the purpose of observation. If he is lacking in these particular qualities he will also be lacking in other qualities. It is no good choosing him for an observation and hoping for a successful result. It is remarkable that with a little training how extraordinarily keen the powers of observation and mental pictures formed from a good description can be developed. We do

have cases of young, keen and ambitious police officers in my Force who pick up wanted men solely on the description circulated; men they have never seen before. Again, for a senior officer with a large Force under him, it is important to memorize the faces of all the men under him, connect these faces with a name, which is more difficult, requiring constant practice, and then again, apply the same to the hundreds of people he meets in the course of his career.

Another example of the result of developing these faculties is seen by the officers outside who notice something about a person that is not quite right and in accordance with what they are doing. A simple example of this is a man on a cycle without cycle clips. We have had many cycle thieves arrested by police officers noticing this. We have had police officers on beats notice that padlocks to premises have been changed. One can quote all sorts of examples like this, such as picking up pickpockets by their behaviour in bus queues, or housebreakers loitering in suburban districts.

In short, the thing we emphasize to young police officers is that things are not always what they seem. Alternatively, it is difficult for a man not to see what he thinks he ought to see, or what he wants to see. Young men are told to look at people with whom they come into contact and try to learn the identity of that man's profession or trade. It sharpens the faculties of observation and teaches one where to look and what to look for. A man's hands, his fingernails, his coat sleeves, boots, his trousers' knees, and such - all these can be guides.

§2.7--Characteristics of a profession or trade

Then, of course, often there are visible signs on clothes. If a man is a motor engineer and in his working clothes, one will see oil stains on his clothing. His fingernails and cuticle will be ingrained with oily dirt. Even his boots or shoes may not have a shine because of the oily impregnation. Generally, he has an intelligent look as his work requires a considerable amount of knowledge and skill. A gas engineer can have red lead on his clothes, his fingernails and cuticle. An engineer machinist has that peculiar smell of lubricant about him which a keen nose can detect.

An agricultural laborer has hands with the growth of hard skin, grown by nature to protect the flesh against the continual wet earth or the hot dry earth. The cuticle is overgrown, the nails are flat and coarse. Men handling heavy sacks often have hooked fingers and one often remarks that the shoulders and arms are well developed. Bus and lorry drivers tend to run to stoutness, due to long hours of sitting. Miners often have the blue marks on their faces from minute particles of coal. Then there is the office worker with his soft, white hands. Those who are in charge in the "soft" and supervising jobs can often be identified from the nicotine stains on their fingers, not to mention a certain type of office boss who puts on weight by never taking exercises and by entertaining prospective customers at lunches.

§2.8 Keeping observation

Now as to keeping observation. If we are satisfied we have an officer with all these various qualities, the next thing that is so necessary is a thorough briefing of the officer or officers to be employed. If he is worth using on a job he is entitled to know all about the case, what is likely to happen, what is wanted and all the snags he is likely to run up against. If it is a sensational crime, such as a murder, he will naturally be keyed up and on his toes. But if it is not more than an ordinary case and he is not properly briefed, he is likely to treat the job as a routine job, his interest flags, he loses caution and, as a result the suspect may become aware that he is under observation, so the job is spoiled. Success or failure of an observation may well depend not on the officer actually undertaking the work, but on the preliminary steps taken by the senior officer. I always emphasize the necessity of a thorough briefing.

The job of keeping observation requires 100 per cent concentration all the time. It can be highly exciting or monotonously dull. Therefore, careful selection of the officer must be made. One should take into account the mentality, attitude, tenacity, build, ability, alertness, suitability to the neighborhood. All these features play their part. This applies not only to men but to women. When considering the type of officer, man or woman, one must of course consider into what sort of locality and with what sort

of people he is going to mix. Here, of course, one instinctively thinks of nature and how she has colored animals, fish and birds to blend into the background of their surroundings, particularly the hunting species. The tiger, for instance, with its striped coat in the jungle; the pike with its coloring for concealment amongst reeds. After all, the officer on an observation is as much a hunter as are these animals. If an officer is being sent into a working-class locality, it is hardly necessary to say that a man is required who can talk the language of the locals and who will dress like them. If we are sending a man into first class hotels, we must have the type who is thoroughly at home in such surroundings.

It is easy to select the right types of men and women for these various jobs when one has a large Force. In my Force with its 1,500 members, when selecting men from the Uniform Branch for training as detectives, we keep in mind all these things. Our Criminal Investigation Department is composed of well educated men who dress well; men of all possible professions and trades; men of the rough-and-ready type; many London-born, so that we always have plenty of the right material to draw upon. The same applies to our women officers.

I have sent women detectives into the particularly rough areas of the East End of London, where they have mixed undetected with the local people in their pubs and, again, others into Mayfair clubs. Their success has been 100 percent.

§2.9 Undercover officers

We have what we call the "Ghost Squad," formed of a small number of selected officers. They are of the Flying Squad and they mix with criminals. Their job is to get information of crimes committed or the planning of crimes and to locate stolen property and receivers. They keep entirely away from police stations and police headquarters. They never arrest anyone; never give evidence; never interview suspects or witnesses. They gather information and remain in the background. Thus they are free to make contacts and associations. One of these men is regarded by his "friends" or criminals with good police

records as entirely one of themselves. We have even put a man into the Army - the right type of man, of course, who would stand up to Army training. Arrangements were made for him to enlist and to be posted to a certain regiment where we wanted him to watch the activities of certain men in that regiment for particular reasons. Other successful observations were carried out by officers working as waiters, roadsweepers, apple sellers with barrows, peddler, and even as a fiddler in the street (he located a man wanted for murder). One case that was very successful was where the officer took on the job of milkman. On one occasion, a detective officer made a most successful observation on a place frequented by criminals where it was difficult for anybody to get near, by dressing himself up as a policeman! He realized that if any stranger were seen in the neighborhood he at once aroused suspicion, but they took no notice of a uniformed policeman patrolling the beat. So this officer was fitted with the uniform of a police constable. He did a very effective observation for three days, patrolling the local beat, being completely ignored by the suspects, and seeing all he wished to see.

§2.10 Women officers

I have mentioned women officers. We have forty-eight women officers with ranks from Detective Constables up to Inspectors, and one holding the rank of Detective Superintendent. These women are given exactly the same training as their male colleagues. They are most valuable in the field of observation and, as can be understood, so often they can get into places where a male officer would at once be detected or arouse suspicion. Often, they work with male officers, posing as man and wife or courting couples, when keeping observation on certain premises ordinarily difficult to cover. They are particularly successful as courting couples in certain deserted places, such as factory areas, where a solitary male officer or two, hanging about for no particular apparent purpose would be easily identified.

We had a case last winter where we knew members of a gang of criminals, engaged in breaking into manufacturing jewelers, post offices and so on, were living in

caravans on what is known as a caravan site. Because of the shortage of houses in London many people live in caravans on open ground. Two women officers took up residence in a caravan on this particular site and were left completely alone. Prearranged methods were made for them to contact the officer in charge of the case. There they lived for nearly three months throughout the grim winter we had last year. They even got their own water from a communal pump. Thus they watched all the time the activities of their criminal neighbors, their visitors, their times of leaving and returning during the night. As a result of their patience and endurance, we finally were able to arrest all this gang at the right moment, clear up some twenty to thirty cases of heavy breakings in London and the surrounding counties, and recover an enormous amount of stolen property.

We also use women officers as decoys for catching active robbers like handbag snatchers in parks and open places around London. This is quite a dangerous job as, of course, the person they are out to attract is an attacker of women. It is very necessary that they are closely covered by male officers. We have used them, too, in cases where some sex maniac has been attacking girls and young women in such places. There was even one case where, to uncover an abortionist, a woman police officer got in touch with this man and arranged to attend his place for the purpose of having an abortion performed on her. This, of course, had to be carefully timed in order that the officers could step in before anything was done to her. Incidentally, they were almost too late!

Once again careful selection is made of the right women in such cases. They have to be of the right type who can merge their personalities into that of their surroundings. In addition, one has to bear in mind, of course, that they will be equally good when they go into the witness box.

§2.11 Use of motor vehicles

Another thing which plays a great part in the observation of criminals and their activities is the intelligent use of motor vehicles. We have a Flying Squad, which is occupied particularly with the well experienced criminals who specialize in breakings, hold-ups, etc. The Flying

Squad is equipped with all types of motor vehicles - fast luxurious saloon cars, nondescript vans, taxi-cabs, small run-about. Whatever the vehicle may seem to look like, it has, of course, under the bonnet a first-class engine. These cars are capable of great speeds. For certain types of observation work they do not hesitate to borrow commercial vehicles, such as railway vans or postal vans. It should be mentioned, of course, that the drivers of these vehicles are first-class in every way. Every vehicle is equipped with two-way wireless.

We have had our taxi-cabs hanging about near a place where police have been keeping observation, hailed by the criminals and directed to take them somewhere else, thereby being able to link up other premises with the gang.

To coordinate and control a number of officers engaged in watching premises, converging on suspects or vehicles, we use "walkie-talkie" apparatus. The way this is used is left to the officer in charge of the operation.

§2.12 Disguises and clothing of officers

So far as disguises are concerned, we do not think much of elaborate make-up. If one sorts out the right type of officer who will blend into his surroundings and feel quite at home, this sort of dramatic business is not required. Make-up we regard as needing ability as an actor, and the officer may come "unstuck," as we say. If disguises are used, we do make sure the officer can thoroughly fit the part and is able to maintain the pose he has adopted.

The secret, of course, for officers on this work is to have inconspicuous dress. They must not wear something which may subconsciously stick in the memory of the man being watched. For instance, we would not allow a man to go out with a colored waistcoat or a striking fancy tie which may cause a suspect to think "Where have I seen a man wearing that before?" Sober, quiet clothing is more likely to pass unnoticed. Men do carry small articles, such as a cap, scarf, spectacles, sun-glasses, to effect a slight difference in appearance as they go along, in those cases where the suspect may have to be followed on foot or by public transport for long distances. One thing which must not be overlooked in this type of case is that the officer has

plenty of loose change in case of emergency and, particularly so far as we in London are concerned, plenty of coins in order that he can make telephone calls if the opportunity arises. He must not be caught short without change.

§2. 13 General instructions in surveillance

Other general instructions we give are as follows:

Two or more officers following a suspect must separate and never walk together. They should make arrangements between themselves for changing over and, particularly, if one officer feels he has been identified, to indicate that to the other and to drop out at once.

It is not a bad idea for officers selected to keep observation in certain districts which may be strange to them, if possible to go over the ground beforehand to familiarize themselves with the situations of the nearby telephone boxes, bus stops, taxi stands, public houses, public conveniences and similar places, paying attention to how many entrances these latter places have. Again, forethought must be given to the method of travel which the suspect is likely to use. Whether he will go on foot, use public transport or a car. Arrangements must be made accordingly.

In certain instances where the observation may be stationary, it may be possible to arrange to keep the observation from some other building in the vicinity, but care must be exercised in this direction. One would certainly not approach any people likely to be friendly towards the persons upon which the observation is going to be kept. Also, one does not wish to contact people who are likely to chatter. In such cases it is always advisable to make light of the importance of the case.

It is most important that the officers on observation should make notes of all they see and what happens, not forgetting, of course, the times. I have already stressed the necessity of officers making accurate descriptions so that other officers who may be required to take over cannot fail to pick up the suspects from these descriptions.

On protracted observations there is always the risk of the observer's identity becoming known to the suspect or even raising suspicion that he is being watched. That can always be seen from his behavior. In such cases

the observation is suspended immediately and, if possible, resumed later by other officers, with a change of method.

Finally, no hard-and-fast rules can be laid down. Each observation is always different from the last. Success depends entirely upon the zeal, initiative and intelligence of the officers engaged on these very difficult duties. Last but not least, the proper supervision, encouragement and interest shown by the senior officer who has arranged the observation.

Chapter 3
Observation and Description
by
Robert A. Lang, Ph. D.

Section

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- 3.2 Demonstration on faulty observation
- 3.3 First reporter - general description of scene
- 3.4 --Questioning of first reporter
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§3.1 Introduction

It is a very simple fact that one observes the sort of thing that one expects to observe. You see what you expect to see and this is one of the shortcomings to observation. If we print, "Once in a Lifetime," few will notice the duplication of the word "a" on cursory readings. We all are subject to faulty observation, no matter how careful we may be, partly because of pattern thinking or force of habit or seeing what we expect to see.

§3.2 Demonstration on faulty observation

This fault is best illustrated by a demonstration to indicate the number of different obstacles to accurate observation. I conduct this little experiment with audiences by asking for three volunteers. You may make the experiment yourself and compare your observations with others.

On the following page you will find a picture. Look at it for a period of thirty seconds and then cover it. In lecture experiments each gentleman is asked to observe the picture for a period of thirty seconds and then each gives a straightforward report of what he has seen and he may take as much time as he wants. Following that, the audience, who have not seen the picture are free to ask whatever questions they want and then the first reporter sits down and the second comes in and does the same thing, observes and reports. The third reporter does the same.

Read the straight reports of the answers to questions from each of these three reporters. Be particularly aware of the mental image that you get of this picture and how that mental image changes from time to time during individual reports and how it contrasts among the three different reports.

These are the reports given by three police officers who viewed the picture and reported to classmates:

§3.3 First reporter - general description of scene

First Reporter: It was a picture of a conveyance such as a streetcar or a bus. There were six subjects on the conveyance; five seated and one standing. The person standing was known commonly as a cool colored person, real sharply dressed, nattily dressed, hanging to a strap. He is engaged in a conversation with another person who is seated, who appeared to be arguing rather loudly with the colored subject. The person who was seated, in the process of arguing, had a razor in his left hand. There was one subject reading a paper and an elderly woman seated beside him.

Another woman was seated holding a small infant in her arms. Another subject was a priest or a rabbi and there was also an elderly gentleman seated who was asleep.

Smile
LUCKY
STRANGER
"They Satisfy"

ALWAYS
BUY...
CAMELS
CANDY

VISIT THE...
BIDE-A-WEE CAMP
RESTRICTED CLIENTELE

ELECT...
McDERMO
COUNCILMAN
A MAN OF THE PEOPLE



On the walls above the windows of the conveyance there were, I believe, six of the common advertising posters you normally see in that type of conveyance. There was an advertisement for Camels and also, I believe, one for Lucky Strikes and a political advertisement announcing the fact that a Mr. McDermott was running for office.

On the outside there was a street marker. The first word was either Van or a portion of the word. The first three letters being Van. I believe the last word was either Brocken or Bracken. That's about it.

§3.4--Questioning of first reporter

The questions asked and answers received were as follows:

QUESTION: Who was holding the razor? The party seated or the one standing who was arguing with him?

ANSWER: The colored man sitting down arguing with the man hanging on the strap.

QUESTION: Was that a bus or a streetcar?

ANSWER: It was one or the other.

QUESTION: Was there an operator of the vehicle?

ANSWER: None in View.

QUESTION: How did you know he was arguing with him?

ANSWER: From the expression, the open mouth; and drawing a conclusion because he had a razor in his left hand.

QUESTION: Was the vehicle moving or stopped?

ANSWER: No way of knowing.

QUESTION: Did you say that a person was seated arguing with the colored fellow?

ANSWER: That's what I said.

QUESTION: Man or woman?

ANSWER: A man.

QUESTION: Colored?

ANSWER: No.

QUESTION: White?

ANSWER: Yes.

QUESTION: Was it in his left hand, the razor?

ANSWER: Yes.

QUESTION: How many men and how many women were on there?

ANSWER: I believe there were two women and four men.

QUESTION: What did you mean when you said this colored fellow was dressed sharply?

ANSWER: I believe I used the phraseology sharp, natty, in part; he gave me the conception of a hepcat. In other words, he was dressed in what appeared to be a loud bright-colored sport jacket and the trousers were pegged at the cuff and he had a cap.

QUESTION: How could you see the cuffs on his pants?

ANSWER: You could see his entire attire.

QUESTION: There were no sides on the street-car; you could see the whole man?

ANSWER: The appearance you received was as though you were sitting on the opposite side of the conveyance in the interior.

QUESTION: Would you judge the time of day and possibly the time of season?

ANSWER: No, I didn't consider it.

QUESTION: By their clothing?

ANSWER: I would judge, and it would be purely a guess, early spring or late fall, during the more comfortable climate—time of year.

QUESTION: What was the dress of the other four people in the car? What was the dress of the woman reading the paper and the woman holding the baby?

ANSWER: I really can't say.

QUESTION: Was the colored man clean shaven or did he have a mustache?

ANSWER: I don't know.

QUESTION: What were the two cigarettes advertised on the conveyance?

ANSWER: I believe they were Camels and Luckies.

QUESTION: Was anybody wearing glasses?

ANSWER: I don't know.

QUESTION: Did the colored boy have one of those zoot suit chains hanging off the belt line?

ANSWER: I believe he did, I don't know for sure.

QUESTION: What led you to believe that one of the men was either a rabbi or a priest?

ANSWER: The clothing he was wearing and he was carrying a religious-type box or symbol in his lap.

QUESTION: What about the guy asleep, could you see his face? Was he asleep or dead?

ANSWER: He could have been dead but there was no knife sticking out of him nor any blood running.

QUESTION: Give us a physical description of the fellow standing up other than the fact that he was Negro. Approximate height.

ANSWER: Not having much of anything to judge by I couldn't very well give a height estimation. In other words, there was nothing to judge by proportion. I would have to go along with the idea that he was fairly moderate and average in size.

QUESTION: Age? How old was he?

ANSWER: I have never been able to reach a point where I could judge a colored person's age.

QUESTION: Was this colored fellow standing up—did he seem like he was arguing with the fellow sitting down?

ANSWER: He was at least listening very intently. His mouth was closed but there was no way of knowing whether he was talking.

QUESTION: Did you see any type of weapon on him?

ANSWER: No, sir.

QUESTION: Was he standing sideways in relation to you?

ANSWER: Partially, with his back—with a partial side view.

QUESTION: Was the razor held in a threatening manner or down in the lap—where was the razor?

ANSWER: He was holding it down, in a downward motion, the person was seated and it was more or less laying across the leg forward.

QUESTION: How did you view the entire scene? From the front of the bus, rear, or side?

ANSWER: Side. In other words you're facing the people who are on the bus or conveyance.

QUESTION: Was this in black or white or was it colored?

ANSWER: It was in color.

QUESTION: In your profession, had you walked in this bus and seen a scene of that particular type, or saw a scene of that particular type, would you have made an arrest there?

ANSWER: I wouldn't have made an arrest without investigating. There was nothing going on. I mean, after all, this is a still life picture and you are just assuming there is an argument.

QUESTION: That was a straight razor he was carrying?

ANSWER: Yes, sir.

QUESTION: Could he have been a salesman selling razors and trying to interest this colored person in the razor?

ANSWER: It is possible.

§3.5 Second reporter - general description of scene

The second reporter then viewed the picture for a period of thirty seconds and at the end of that time he gave this direct report to the group on what he saw and after the direct report then they asked questions. (This reporter took written notes).

Second Reporter: This streetcar was heading down Van Franklin Boulevard with eight people; two of them hanging on to the overhead strap and the other six sitting. One lady was holding a baby and one fellow was asleep. There was a Jewish cleric.

The colored fellow and a white man who was hanging on the strap are in quite an argument. The white man is holding a razor. The other one man seems to be enjoying it. The baby was sleeping.

§3.6--Questioning of second reporter

These were the questions and answers which followed:

QUESTION: Was the clergyman bearded?

ANSWER: Right.

QUESTION: Which subject was holding the razor?

ANSWER: The white subject.

QUESTION: Which hand?

ANSWER: In his left hand.

QUESTION: Was he standing or sitting?

ANSWER: Standing.

QUESTION: Why did you assume they were arguing?

ANSWER: With a razor in his hand? The reason for the argument I don't know. I couldn't detect that, but with the razor in his hand he looks like he might be and that is the only reason that I can give.

QUESTION: Isn't that strictly a colored person's weapon, not a white man's?

ANSWER: Correct.

QUESTION: Was the razor open or closed?

ANSWER: Opened.

QUESTION: Did the man sitting down need a shave?

ANSWER: Well, there is—of course, the one man needs a shave, the fellow with the hat, the little synagogue fellow.

QUESTION: How was the colored boy dressed?

ANSWER: Neat. Had on a sport coat, I believe, light pants and a dark coat and a hat.

QUESTION: Could the white man be trying to sell the fellow a razor?

ANSWER: I doubt that very much. I believe they both had their mouths open at the same time, more or less.

QUESTION: Was this a trolley car or a bus?

ANSWER: It is a trolley car.

QUESTION: How do you know?

ANSWER: Well, by the straps. I think the buses all have railings, possibly.

QUESTION: Any advertising in them?

ANSWER: Right, there was a Lucky Strike and something else, can't remember what it was. I remember the Lucky Strike because I smoke them.

QUESTION: You say there were six seated and two standing?

ANSWER: Yes.

QUESTION: Did you see the driver of the bus?

ANSWER: No.

QUESTION: Were there any police officers on the scene?

ANSWER: None that I noticed.

QUESTION: Anyone asleep on this vehicle?

ANSWER: Right, I believe there were two people —I would say two people were sleeping and possibly there were more.

QUESTION: Anybody reading a newspaper?

ANSWER: Yes, I think the man on the left side of the picture. I believe the one man was reading a newspaper.

QUESTION: Anything to show the location of the vehicle?

ANSWER: Right. Van Franklin Boulevard.

QUESTION: What was your position in regards to the vehicle and the other passengers with you in the bus?

ANSWER: I would be to the driver's side.

QUESTION: In the vehicle?

ANSWER: Right, that is on his side of the bus.

QUESTION: The six people that were sitting, do you know whether they were men or women?

ANSWER: I believe there were two women and I believe six men.

QUESTION: How many were seated on the right, and how many on the left of the vehicle?

ANSWER: Well, they were all on the one side.

QUESTION: On your right?

ANSWER: Correct.

QUESTION: Any of the other passengers seem to be paying any attention to the man with the razor?

ANSWER: No.

QUESTION: Then doesn't it seem obvious that there was not an argument because if there was an argument they would be watching them?

ANSWER: If you ever rode buses in certain districts you'll see people trying to keep their noses out of it, however they are listening.

QUESTION: Could you get an idea of the time of day?

ANSWER: No, I did not.

QUESTION: You say they were listening?

ANSWER: I said they were not paying attention but possibly they were listening. They were not showing their attitude.

QUESTION: If they were listening don't you think they would be looking too?

ANSWER: No, I don't think so.

QUESTION: Especially if it was a heated argument?

ANSWER: That's a good one, I'll grant that.

QUESTION: Then the expressions on their faces appeared to you like they were listening to it?

ANSWER: No, they did not. The expressions didn't appear that way.

QUESTION: As if they were minding their own business?

ANSWER: It seemed that way.

QUESTION: You can see the signs through the window, the Van Franklin sign?

ANSWER: Yes

QUESTION: Was the car then downtown or out in the suburbs?

ANSWER: It would be in the suburbs.

QUESTION: Was the door open or closed?

ANSWER: I saw no door. I don't remember if there was a door there.

QUESTION: In regards to the colored man, which side was the white man standing on?

ANSWER: To the colored man's left; to my right. They were both facing me. He would be to the colored man's left.

QUESTION: The white man had the knife in what hand?

ANSWER: I believe it was his left hand.

QUESTION: The rest of the people in the bus, were they in front of the two arguing or were they in back?

ANSWER: I believe there were three and three. I think there were three on each side.

QUESTION: If you were sitting on that bus what would you have done if you observed this scene?

ANSWER: Well, as the gentleman states now, I am just a little confused whether they were arguing or not. As he says, since there wasn't that much interest in it;

possibly, he was selling the razor.

QUESTION: You said the car was in the suburb. Is that because you couldn't see any store windows?

ANSWER: I'll say that because it was a boulevard.

QUESTION: Because it was a name of a boulevard?

ANSWER: However, there are some with names like that in town, but I assumed it was because of the boulevard sign.

§3.7 Third reporter - general description of scene

The third reporter then observed the picture for a period of thirty seconds and told the group what he saw:

Third Reporter: Well, apparently there were six people on this street car. And the first person to the left—to my left—was an old man about sixty years old reading a newspaper. To his left sat a colored man with a green coat with black stripes and a red cap with black stripes; he was hanging from a strap with his left hand. To his right, a man about thirty-five was looking at him and arguing with the colored man.

Frankly, that's as far as I got. I wish I had a couple years of public speaking, because the audience worries me.

§3.8--Questioning of third reporter

QUESTION: Did anyone have a weapon?

ANSWER: Didn't see a weapon.

QUESTION: How do you know they were arguing?

ANSWER: By the expression on the man's face that was arguing with the colored man.

QUESTION: Could he have been selling him a razor?

ANSWER: I didn't see any.

QUESTION: Didn't see a razor?

ANSWER: No.

QUESTION: No hatchet, no knife?

ANSWER: No. As I said, that was a short thirty seconds.

QUESTION: Was there a baby in the picture?

ANSWER: I didn't see a baby.

QUESTION: Anybody reading the paper or anything?

ANSWER: Yes, the first man to the left; he was reading a newspaper.

QUESTION: Was there anybody from the clergy on that vehicle?

ANSWER: I didn't see a clergyman.

QUESTION: You said there were six people there. You only described three, what were the other three doing?

ANSWER: I didn't get that far. I said it was a short thirty seconds.

QUESTION: How old was the colored man?

ANSWER: The colored man was probably thirty-five.

QUESTION: Were there any women on the bus?

ANSWER: I think there was one woman on the bus. She was one of the three I didn't observe.

QUESTION: Did you say it was a bus or streetcar?

ANSWER: A streetcar.

QUESTION: Why do you say it was a streetcar?

ANSWER: Well, you normally don't have straps in a bus.

QUESTION: Was there a driver on the bus or streetcar?

ANSWER: The picture didn't show.

QUESTION: Do you know the location of the bus?

ANSWER: No.

QUESTION: Could you tell the time of day?

ANSWER: Time of day? Couldn't tell you but it was the daytime.

QUESTION: Could you tell the time of year by the clothing worn?

ANSWER: Probably fall. Everybody seemed to have a coat on.

QUESTION: What color was the coat the colored boy was wearing?

ANSWER: He was wearing a green coat, three quarter length coat with black stripes and a yellow cap. The stripes were vertical as well as horizontal lines.

QUESTION: A yellow cap?

ANSWER: No, it was a red cap.

QUESTION: Was it checked or striped?

ANSWER: It was checked.

QUESTION: How do you know it was a razor?

ANSWER: I didn't. I didn't see it.

QUESTION: What color pants did the colored boy standing have on?

ANSWER: I didn't observe that.

QUESTION: Were the other people in the bus observing the argument, as you called it, between the white man and the colored man? Were the other people watching it?

ANSWER: No.

QUESTION: Were there any children on the bus?

ANSWER: I didn't see that.

QUESTION: What was outstanding about this old man sixty years old reading the paper that you observed him so much?

ANSWER: Nothing, except that he was reading the newspaper.

QUESTION: Were they all seated on one side of the bus or part on both sides?

ANSWER: The old man with the newspaper was to the left of the colored man standing and the rest were to his right.

QUESTION: There was one seated on the left and the other five to the right—four to the right and one standing?

ANSWER: That's right.

§3.9 Summary of three reports

The first reporter was a Chief in a small community, the second a State Policeman with a background in identification, photography, fingerprints and all that, and the third was a Highway Patrolman.

Do you have a nice confused picture now of this picture? Refer to it again to see how accurate these reporters were.

To summarize the reports, this was a busy streetcar. It started out on Van Bracken Avenue with six

people—with five persons seated and one standing. Then, moved along and it turned onto Van Franklin Boulevard and by that time two more people had got on the streetcar or bus because there were eight on by this time and then a little while later it must have gone farther down the street and you don't know if it was still on Van Franklin, it may have been, but two people have gotten off the bus and then there were only six people on. Then it moved from fairly pleasant weather, apparently, although we are not sure, into the fall period during the time of this trip.

§3.10 Objectives in observation

Some of the observations that have been made and the responses to those observations give us illustrations or examples to support virtually every one of the items that we are talking about under observation; the obstacles to observation, the reasons why observations are sometimes not as accurate as they might be.

I first call your attention to the change of the mental image of this picture as the reports were given, or as the audience listened to the reports. Then, contrast them with the actual picture as you see it, and how much more information, of course, you get from looking at the picture than you got simply from the reports.

There are a number of objectives in observation. One of them is to learn something about the conditions necessary for accurate observation. You probably already know a great deal about conditions necessary for accurate observation and are also aware of some of the obstacles to accurate observation. We also need to learn to differentiate inferences and observed facts, and all of us can do this, but most of us don't do it most of the time. We had some interesting examples of that during these reports.

We should also study some of the principles of accurate reporting of observations, and we are going to touch on that.

By observation we mean not only gathering of data by recognizing and noting actual facts, occurrences, and observations through the use of our physical senses, but also the process of drawing accurate inferences or conclusions from the observed and factual information.

§3.11 Obstacles to accurate observation - prejudice

Well, let's look at some of the obstacles to accurate observation, which are actually non-observation, mal-observation, or inaccurate observation. The first one--prejudice, the frame of mind which causes an observer to "see" only what he expects to see. I think we got our first good example of the operation of prejudice after the first direct report when I asked you who was holding the razor and got a very clear answer. Now, I had several answers but on the part of at least some of you there was the definite statement that the colored man sitting down was holding the razor. What happened? Well, the reporter had said the man sitting down was holding the razor. The first reporter had also said there was a colored man and prejudice puts the razor, the straight razor, in the hand of the man that you would expect to be holding a straight razor.

Prejudice in this case is a belief that causes you to draw an erroneous impression on the basis of your past experience. You say the colored man is likely to be holding the razor. Therefore, you transfer it to the hand of the colored man and you put him sitting down because the man sitting down was holding a razor. It was not the case in this instance and the observation was inaccurate. I might mention that on another occasion we had a police lieutenant who was making one of the observations, doing one of the reports at that time. He looked at the picture, made his straight report and had the razor in the hand of the white man, who, incidentally seems to be jumping up and down during this course of reports. He had the razor in the hands of the white man quite accurately. Then, the lieutenant went and sat down. We called for the next witness and while the next witness was coming in I asked the lieutenant something about who was holding the razor and the lieutenant said, "This colored fellow that was holding the razor"--in other words, in the space of about ten minutes' time in his own mind he had transferred the razor from the hand of the white to the hand of the colored man. Obviously, in this case it was an operation of prejudice, or seeing what one expected to see, possibly on the basis of past experience, but it was an inaccurate observation.

§3. 12--Physical limitations

Let's move to physical limitations. Supposing you had an individual who was color-blind reporting this scene. You would have gotten, of course, quite obviously, a considerably different kind of report.

We are subject to physical limitations: You are familiar with the phenomenon which causes a kind of switching in the observation of license numbers, for example, at certain times of the day. Colors of automobiles present a similar problem: a dark maroon car at dusk appears to be, and may be reported by reliable witnesses to be a number of different colors, black, gray, green, almost anything. People are likely to mistake the color of the car partly due to physical limitations in observing an automobile in poor light.

There are certain common errors which occur in the observation of license numbers which are caused by physical limitation. My eyesight not being as good as it should be, were I to take off my glasses I wouldn't even be certain that I were looking in the right direction; I have eyes like that. I don't know how yours are, probably varying degrees of excellence. When I put them back on, there is a world of difference.

By observation, common errors in license numbers vary frequently according to the Cleveland Police Department. For instance, A is mistaken for H. That is, seeing an H and reporting it as A; reporting AB instead of AD; E for H or sometimes 8. There is no point, of course, of printing them all, but it is an excellent indication of the possibility of inaccurate observation because of physical limitation, to at least some extent.

§3. 13--Point of view

"Point of view" deprives the observer of the opportunity to observe accurately. Quite obviously when I held the picture up for the audience in my class to see, those in the back rows, particularly, couldn't see. It is an obvious kind of thing but it also illustrates that when the point of view varies so also does the accuracy of what you perceive. Point of view makes a big difference.

You all know, if you play horseshoes, the point of view you have standing at one stake. You throw a shoe and it looks like a point. Then you walk down to the stake and it is nowhere near a point. It's the same way when you watch an umpire and you say, "The bum is blind," although our point of view generally is not as advantageous as that of the umpire. Nevertheless, the point of view makes it extremely difficult, of course, to tell exactly what occurs.

§3.14--Past experience patterns

Probably the greatest obstacle to accurate observation, however, is habit in the pattern of past experience. Past experience is what transferred to some extent, the razor to the hand of the colored fellow. It is also the direct cause of every single reporter noticing that Lucky Strike cigarettes were advertised on the car card and I'll be surprised if I'm not calling this to your attention for the first time. It says "Camels Candy" and "Smoke Lucky Strangers."

Now, let me give you a quotation. The second reporter, in answer to a question, "What did the car cards advertise; what kind of cigarettes were advertised?" The answer was, "Lucky Strike Cigarettes, I remember that particularly because I smoke them." There is a pattern of past experience. What do you do, you look at the white pack with a red dot and you see "Lucky" something you say, "Smoke Lucky Strikes" and you quit. From your pattern of past experience it is obvious it is Lucky Strike and you quit because this is what you expect to see.

The first reporter also said "Camel Cigarettes." Everybody knows that brand, but this is about as far-fetched for Camels as anything you ever saw. The picture has "ABC" which at one time was the slogan for Chesterfield; "Always Buy Chesterfields" and "They Satisfy" is picked up along with "Luckies." This is really a confusing little deal, for that very purpose, of course. Camels Candy, of course, is what is being advertised in this particular case.

The pattern of past experience determines also how this vehicle was described. The first report, as I recall, had a picture of a public conveyance, possibly a bus or a streetcar or something of that sort. The second one began by saying "This streetcar" and then there was a

question, "How do you know it was a streetcar?" And, "It was a streetcar because streetcars have straps, whereas buses have railings along them to grasp." Of course, there is very clearly a pattern of past experience. He is saying "In all of the streetcars I remember having been in, there were straps but there were no straps in any of the buses that I remember having been in. Then the conclusion because this one has straps that it is therefore a streetcar; although I suppose it is quite possible to put straps on a bus, still the pattern of past experience or habit shows in that particular case.

§3. 15 Effects of distracting influences

We also must consider the effects of distracting influences. Now, incidentally, I might mention one particular distracting influence that we succeeded in using quite efficiently this morning. On the second and third reports I told the reporters they could make notes if they wanted. I did not make that suggestion to the first reporter. The second reporter was going to make notes but got so absorbed in the picture he didn't have time and he made the notes after observing the picture. The third reporter made notes while he was observing the picture and because of the distracting influence of having to look down and write and observe what he was writing, didn't get an opportunity to observe the picture, and consequently, you got the report of "That's as far as I went."

How else does distracting influence work and does pattern thinking work to change one's observation? Pattern says it is "Lucky Strike Cigarettes." Pattern also can be confusing.

§3. 16--Figure 2

Look at Figure 2, which is the famous Schroeder staircase. Take a look at that staircase. As you look at it, are you looking at it from the top down or from the bottom up? Or perhaps it is a sideview. But are you above or below the level of the steps? You do not even have to shade it to make it go any way. Just stare at it for a little while and it will change back and forth all by itself. What are the

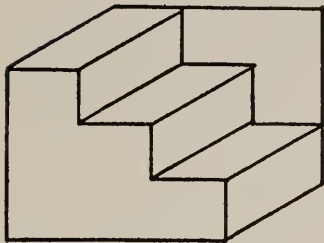


Fig. 2

sides of the staircase? Those are the things that are at the end of the stairs and they are alternately closer to you and farther away. Take the one in the lower left corner, and as you look at this and assume you are looking kind of above the level of the stairs, that seem to be a little wall at the end of the stairs, almost as though you had sliced off the stairs and this were a little

wall that was left, and it is closer to you.

Now, if you imagine it farther away and you put yourself under, below the level of the steps, you are looking at that wall from the inside as though it were kind of a set of movable porch stairs and you were sort of below the level underneath them and looking at that wall on the far side of the steps and you are underneath the steps.

§3. 17--Figure 3

Next take a look at Figure 3, in which the lines "A" and "B", at least in the original, are exactly the same length, but the distracting pattern of the horizontal lines in the parallelogram makes it appear as though "B" is much shorter than "A".

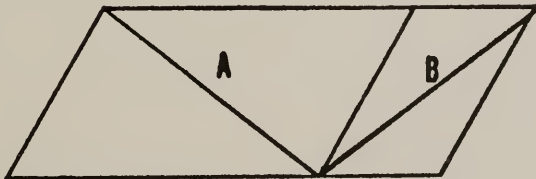


Fig. 3

§3. 18--Figure 4

In Figure 4, you have two arrows, the straight lines of which are both the same length but the distracting



Fig. 4

influence of the wing marks or the arrowhead marks make them appear to be different lengths. Many other illustrations of these optical illusions are well known.

§3. 19 Inadequate knowledge of the field

Inadequate knowledge of the field, another problem of observation was given by one reporter when he said "I never did have an ability to judge the age of a colored person accurately." Inability to make fine discriminations might also enter into that particular observation; confusing observed facts. An inference was illustrated very nicely in your question, "Was there an argument going on or wasn't there?" And almost everybody reported an argument, drawing an inference, of course, from the expression on the face of the man in the picture. The inference was that there was an argument. The fact is, we do not know. An inference was drawn. The important thing there is to differentiate very clearly and accurately between a reported and observed fact and an inference that is drawn.

§3. 20 Lack of mental or emotional poise

Lack of mental or emotional poise was illustrated by the third report when the reporter himself said, "I wish now I had had a couple years of public speaking." This lack of speaking poise made his reporting a little more difficult than it would have been otherwise, because of the lack of emotional poise.

You will recall, I am sure, the story of the experiment conducted at Harvard, when the psychology professor was lecturing his class and the doors opened up and in came a group of people who stabbed the psychology professor and he fell to the floor. The group left and thereupon the psychology professor got up and said, "What did you observe?" The students were all excited about this unusual

occurrence and they described varying numbers of people between three and seven who entered the room and stabbed the professor with everything from a butcher knife to a machete. Actually, the weapon was a yellow banana. Lack of emotional poise had made their observation very difficult.

§3.21 Ambiguous terms in descriptions

Do you remember the case reported in the Cleveland newspapers a couple of years ago when a girl walked into a bank, held it up, walked out with some money and the teller could not give an accurate description of her face? The only thing he could say with accuracy was that she was wearing a very low-cut gown. In reporting observations we have some difficulties such as faulty grammar, ambiguous terms, lack of exact words to describe exactly what happened. For instance, consider the phrases "zoot suit" and "hepcat" all of which are terms by which the reporters tried to describe the colored fellow's dress, the meanings of the words again varying with each individual according to what he thinks the word means. Remember that, because people use words to mean different things, depending on their own past experience. So don't assume that when you hear a word like "streetcar," for example, it means to the man who is using it what it means to you.

Words incorporate emotional attitudes. That is obvious, and I don't think we need belabor it. These illustrations may give you some food for thought and perhaps make you awfully uncertain that you have really observed the things that you thought you observed.

Chapter 4
Investigation of the Burglary
and Robbery Scene
by
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§4.1 Introduction

Any discussion on burglaries, or for that matter, any crime discussion, this author believes, should be qualified by personal experiences. It is my belief that a merging of the continuing series of one's own individual experiences, together with the thoughts and suggestions of others who qualify as experts, would certainly give us a much better over-all picture of the scene. By so doing, one will be more able to anticipate the trend of any particular type of crime.

§4.2 Preliminary examination of the scene

A fast and efficient examination of the scene of a crime should be made at once after the police arrive, in order to determine if the intruder left any outstanding evidence which would immediately point to his identity, and eventually lead to his apprehension. It is necessary to protect any physical evidence. That evidence which was marked, photographed and sketched will be checked later. Before precautions are lifted completely, an experienced man will have to go over the scene.

Interrogation of the complainant and witnesses will have to be made. A more extensive investigation will have to be made later in order to check on the investigative leads found at the time of the original investigation. It should be remembered that this is the one time during the entire investigation when the scene of the crime is exactly as the intruder left it. In the future one will never find the crime scene identical to how it was, when first found. Changes to it occur because of police officers and others walking on or about the scene. After the evidence is once picked up, it can never be restored.

The basic system of examining a room clockwise has a distinct advantage. By this method, one starts with

a particular point in the room and from there proceeds all around, checking the floor and all of the ceiling.

It is important to make a thorough check since many investigations have been marred by the fact that few officers realize that often the entry onto the premises was made through the roof.

§4.3 Methods of safecracking

Experience has shown us that the ingenious criminal is more of a rarity than is generally believed. Actually, criminals show a marked narrowness of thought. For example, a burglar who has experienced some success in opening safes will not be likely to change his tactics. Nevertheless, criminals today are likely to stray from one criminal operation into others, since they are more inclined to be criminals of opportunity rather than professional criminals.

The professional safe man or the "yegg" used to be recognized by his methods. It was actually against his own peculiar code to go into another type of crime, other than safecracking. Today, this fact exists only in motion pictures and fiction, where the detective is able to walk into a room and tell from the method of attack on the safe exactly who the party was who had committed the offense.

In many crimes that we have investigated, the tools used have been left on the job. The modern-day burglar and robber prefers to purchase tools as they are needed. They purchase them in out-of-the-way spots, or through confederates, so that after they are used, there will be no handicap if they discard them.

§4.4--The "rip job"

There are various types of attacks on safes and vaults. The basic and most common type is called the "rip job." Here, the face of the metal on the safe is warped enough so that a tool can be inserted by the criminal. The material is then ripped away from the shell exposing the insides of the door where the locking bolts and the security measures are. The criminal is able to tear the lock and securities away so that the door will come open.

§4.5--Drifting

The second most common method is that used on most of the old-time safes and vaults which are still in existence today. Here the criminal "drifts" a safe door open through the use of a drift pipe or by punching it out. "Drifting" is a term which means knocking off the combination dial to a safe and exposing the spindle. A pin is then inserted against the spindle and force is applied with a sledge hammer. The pin is driven back into the inside of the safe or vault so that the locking mechanism is dislodged in such a manner whereby the locking bolts can be withdrawn and the door opened.

Most safe and vault manufacturers today have attempted to offset this type of an attack on a safe by moving the locking mechanism from directly behind the combination. In the newer safes, the locking mechanism is placed off to one side, below or above the combination, so that by "drifting" the shaft back after the combination is broken off, nothing is affected except a few locking gears. The door cannot be opened in that manner.

§4.6--Explosives and burning

Other methods are: the use of nitroglycerine or some other explosive, and burning. The ultimate aim of all these types, of course, is to dislodge the locking mechanism.

§4.7 Types of breaking and entering

The most common crime is breaking and entering, either during the night or day. Of this group, "house-breaking and larceny" is committed most often. In Ohio, this is merely breaking and entering during the daytime. Burglary is the breaking and entering in the nighttime, with the intent to commit larceny.

§4.8 Lock-picking sets and case

The first illustration (Fig. 5) is a lock-picking set. One of the significant parts of this type of a lock-picking set is the case. The case can be the most important



Fig. 5

thing in the world to the criminal who is interested in breaking through a lock by this means. It is important for the reason that the criminal is anxious to be as unobtrusive as possible and to move with all due haste. With this case he is able to view the tools individually as they are all exposed. The case itself has leaves that fold back in and it is all very compact in a small zipper case.

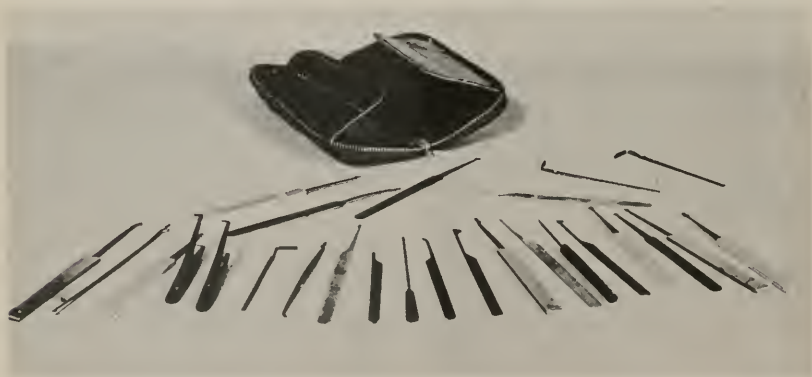


Fig. 6

The above illustration shows a complete lock-picking set all spread out. This is as complete a set as has ever been found on any criminal. There were many unexplained entries into private homes particularly until a certain party was caught and these instruments were found on his person. It was discovered that this person had been an apprentice to a leading locksmith in order to learn this trade.

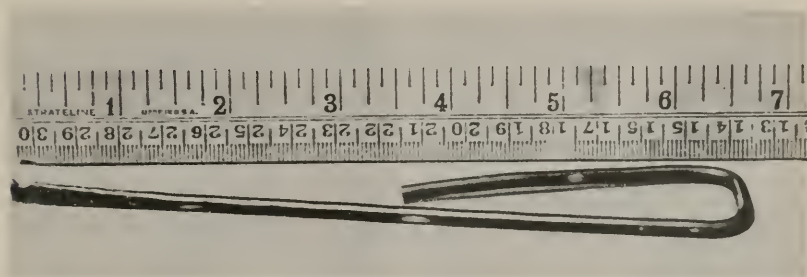


Fig. 7

§4.9--Bent coat hanger

A bent coat hanger with a notched end has been used by certain individuals to open locked doors. This writer has yet to see it operate, but others have assured me that it can be effective. It could be applied to a type of lock where the skeleton key would be inserted. It is a very simple piece, however it has the basic indentation which is common to most locksmithing tools. (Fig. 7).

§4.10 Set of burglary tools

The case illustrated in Figure 8 contained all the necessary tools of the trade, including crowbars, chisels, punches, flashlight, different types of bars, screwdrivers, etc. The sledge hammer is most interesting because it shows what can be done with legal tools. A tool that has a legal use in everyday life will often be converted by a burglar to his own specific use. Such person has certain ideas of what he needs: In order to fit his requirements therefore, he makes certain alterations in each one of the tools.

The sledge hammer found in this particular case was altered three ways. First, the handle was shortened for the obvious reason of fitting it into the briefcase. By the use of a straight arm in conjunction with the short handle one can get as much leverage as is necessary to punch out a safe, or drive a wedge into a plate on the front door in order to rip open a safe. Secondly, friction tape was put on the handle in order to avoid slippage. The third change

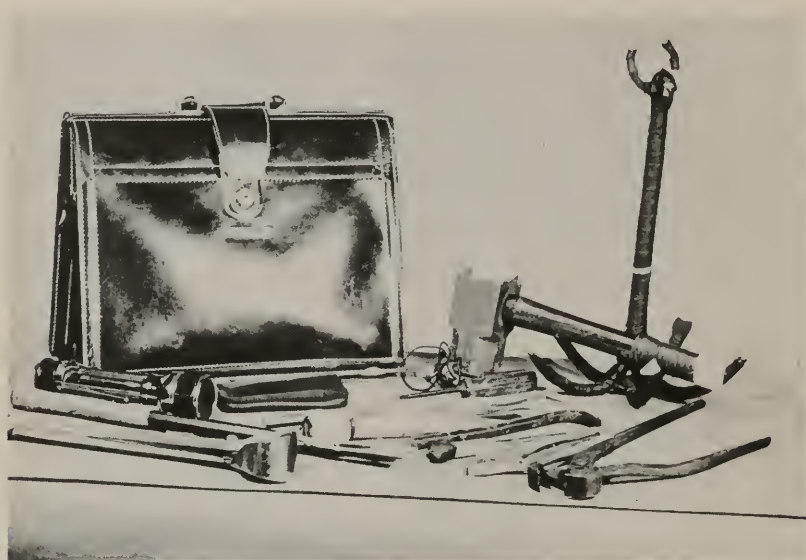


Fig. 8

was to put tape and padding on the nose of the hammer in order to nullify, as much as possible, the noise involved when the sledge is banged against a pin.

§4.11--Grappling hook used in roof jobs

About three years ago there were a number of unexplained "roof jobs." The police had an idea that a portable ladder or some type of a rope affair was being used. They were partly right. At the time investigations were made, small perforations in the roofing paper were found and some of the uprights were discovered torn loose on the roof. The police finally found the apparatus they were looking for in a burglar's closet. (Fig. 9).

A twenty foot length of rope had been attached to a grappling hook which had been used by the Coast Guard to rescue drowning persons. This illustrates what the common criminal is doing with ordinary tools that are used daily. In this instance, he had wrapped it with friction tape in order to reduce the noise when it was thrown on the roof. After he threw it onto the roof, he would pull himself up.



Fig. 9

Later he would either throw it back to a friend on the ground and lower himself unaided, or, if it was quite a drop, he would use the rope as a means of descending. As a third convenience, if there was an alarm inside the place, the criminal would by-pass it by using the apparatus to drop into the building and with the aid of an accomplice, pull the stolen property back up on the roof.

§4. 12--Vise grips

During one wave of burglaries the type of entry into the places of business was made through the front door. The police would get a call to investigate a burglary, but upon arrival would only find the door open. An examination of the door revealed that the tumblers had been removed from the locking cylinder, on what is commonly called a Yale lock. Apparently the job had never taken any great amount of time. Seldom were the tumblers to be found on the premises. I presume that the parties kept their tools and were therefore fearful of any markings which the tool might leave on the tumbler.

We had some idea of what to look for. Eventually, we discovered that the tools used were vise grips, the type commonly used by automobile mechanics. The burglar was able to convert the tool to his own use. By a simple



Fig. 10

expedient he applied them in a particular manner to the outside of the locking cylinder and he was able to open the door.

Once applying the vise grip it was necessary to tighten down on it. After it was securely attached to the lip of the locking cylinder, which always extends a little from the door, it was necessary to force a downward snap of the tool. This would break the inside setscrew which is the only thing that keeps the locking cylinder in place. Once that is broken with the use of this tool you can remove the tool and unscrew the locking tumblers by hand. After the tumbler is removed, a cavity remains. By inserting a finger one can withdraw the locking bolt which is inserted from the locking mechanism into the door frame. By withdrawing it the door opens. (Fig. 10).

§4.13--Lock pullers

Safecrackers began to encounter improved locking cylinders. For example the unscrewing mechanism was made with very fine threads on the tumbler which made it more difficult for it to be unscrewed. So certain criminals developed a tool which would speed up the unscrewing process. This tool was known as "lock pullers." Actually, it was blacksmiths' tongs, which were altered somewhat in



Fig. 11

that the hinge was shifted backwards and a new hinge was put in. By doing this, the tongs could be opened a trifle farther in order to get a better and wider bite on the locking cylinder. There was one further alteration; each one of the teeth had to be honed to razor-like sharpness.

Figure 11 shows the method of attack used on a locking cylinder by the means of "lock pullers." It was necessary to have the jaws sharpened down in order to penetrate between the retaining stripping, which is right up against the door, and the locking cylinder itself. The position taken, when using lock pullers, is perpendicular to the door. This differs from the position one would assume, parallel to the door, when using vise grips. In order to break into the door and to remove the locking cylinder by using lock pullers, a rocking operation is effective (as distinguished from the quick snapping operation when vise grips are used). The former would be done by rocking the lock up and down and back and forth. Instead of breaking the setscrews inside of the mechanism one would break the whole frame. If you rock it up and down about two or three times it breaks the retaining metal frame on the inside whereby the cylinder comes loose and can be withdrawn with one movement. Once it is withdrawn, then you are able to reach into the cavity and withdraw the locking bolt.



Fig. 12

§4.14 Damage to door lock

Figure 12 will give the reader an idea of the different degree of damage to a door lock caused by the use of various tools. Here one can see the bottom of the locking cylinder and the cavity where the locking cylinder ordinarily would be. There is a small piece of metal missing. It was broken off at the time that the lock pullers were applied. This released the fine threads so that the locking cylinder could be pulled out of position.

§4.15 Dummy locking cylinder

There are a number of persons whom we call "cute burglars," who, once they break into a place are afraid of being apprehended inside of it. It would naturally be to their disadvantage to have the police or anybody see anything wrong with the door, particularly an open cavity where the locking cylinder of the door should be. These individuals put a dummy in the opening. Once the locking bolt has been removed and the criminals are inside the place, by removing the back plate of the locking cylinder it is possible to place one's finger in there and put the

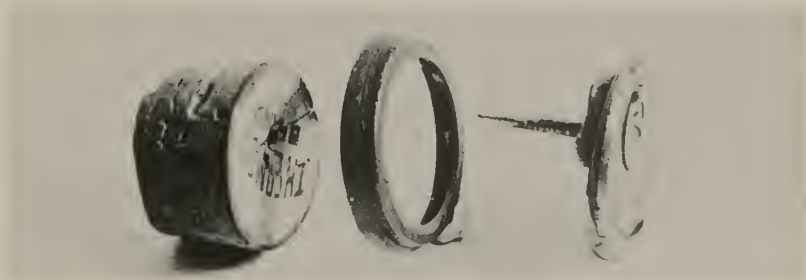


Fig. 13

locking bolt back in place. Thus, the door is actually securely locked; it is locked from the inside. When they leave, they'll do the same thing and thereby relock the door. The loss therefore may not be discovered until the following morning until the owner comes in, puts a key in that lock and nothing happens. (Fig. 13).

§4. 16 Rip job

In order to attempt a "rip job" it is necessary to get a bite on the safe. The metal plate on the front of the safe has to be pulled away from its hanger. Ordinarily the plate is welded or riveted on. One way to detach it is to give several sharp blows, not on the corner, but about two or three inches away from the corner of the safe, with a sledge. This must be done on the side opposite the hinges. Since there is nothing holding the plate in back, by hitting it there the plate will bulge out. Then putting a wedge, chisel or wrecking bar behind the bulged part one is able to pull the metal plate away from its moorings.

§4. 17--Breaking the combination dial

Sometimes the criminal is unable to warp the metal in order to get a bite. In this event, he may decide to break off the combination dial. This will reveal the broken shaft immediately behind. He can then put a punch directly against that shaft and by several sharp raps from a sledge hammer he is able to drive the locking mechanism into the interior of the safe or down inside the door. This

method will work on the older model safes and vaults only. On the newer models, instead of putting all the mechanisms directly in back of the combination, they have been placed elsewhere. If a similar procedure was followed on the newer models, the locking mechanism which engages the door itself, would not be disturbed. The only thing that connects this type of shaft with the locking mechanism is a few gears, so that by knocking the shaft out nothing happens except that the gears are dislodged. The remainder of the locking mechanism stays in place.

The criminal who is able to rip out the metal in back of the plate on the door, will then be able to rip out all the mechanism. When the safe filler is taken out the locking bolt can be seen. One is now able to dislodge the bolt so that the door will come open. (Fig. 14).



Fig. 14

§4.18 Drill and saber saw attachment

There is another type of tool that has been used by some criminals. It is a saber saw attachment which can be worked in conjunction with a drill. In Figure 15, the drill itself is detachable and the saber saw can be inserted in its place. There is also a saber saw which will operate under its own power. This type of tool has one weakness, its blades wear out quite fast. Since it would be necessary to change blades often whereby one-half dozen or a dozen blades might be needed for one small cut, this means is not used too often.

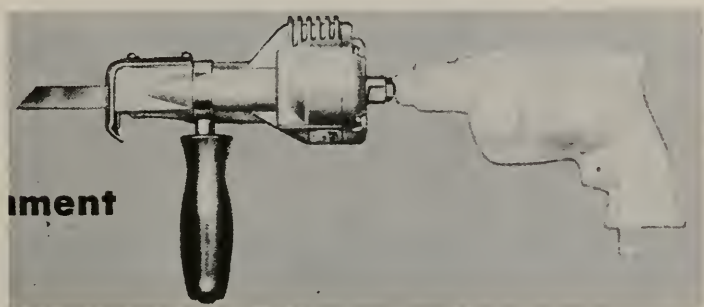


Fig. 15

At a postoffice in Shaker Heights, Ohio, the smaller portion of the door of a large walk-in vault, approximately twelve by fourteen inches, was cut through. The method of entering this door was by drilling. There were about 57 holes drilled intermittently, three-eighths, one-half, three-eighths, one-half, all the way along. It appeared as though the criminals alternated the size of the holes because of the heat involved. They had also been trying to cool the drill as they worked, since there was evidence of the use of water. Eventually they were able to make entrance into the door of the vault itself. It is evident from Figure 16 that it was only necessary to drill on the two sides because the other two sides were merely riveted. There were only three or four rivets on each side. Once the two different sections had been drilled through, the criminals were able to pull it away from the moorings on the rivets.



Fig. 16

The same type of entrance was gained into a three-inch thick, round door safe in Painesville, Ohio. The drilling was done on the side of the safe by two different sized drills. It was also necessary here to use a considerable amount of water in order to prevent the drill points from burning.



Fig. 17

§4.19 Burning operation

A burning operation can be successful on round door safes. There are types where the door is mounted on the top of the safe or vault and others with angle doors. It is secured with a locking mechanism. The one shown in Figure 18 is very cheap. On the more elaborate models of this type there is a combination, a relocking device and various other protective measures. By withdrawing the locking bolts and then burning the hinge off, one is able to swing the door back on the top of the safe and gain entrance. Ordinarily, a door like the one illustrated, is on the inside protection box or cased around the inside of a safe. After one gets through the large double doors he will find this inner compartment. In order to get into the inner compartment he must burn his way through. The burning operation is necessary in order to shear off the locking bolt and thereby swing back the door and enter into the compartment itself.



Fig. 18

§4.20 Breaking a strong box; a case study

In a Woolworth store in Garfield Heights, Ohio, several fellows spent an entire weekend working on a safe. They had to go through an outside plate, then the filler, and then the inside plate in order to get at the strong box, which, ordinarily, is hardened metal and is able to withstand con-

siderable pressure. The type of box shown in Figures 19 and 20 had a round door. The burglars figured that they would take it elsewhere and work on it, but after they got the plates peeled away they found that the strong box was bolted from the inside of the box down through the floor of the safe by



Fig. 19

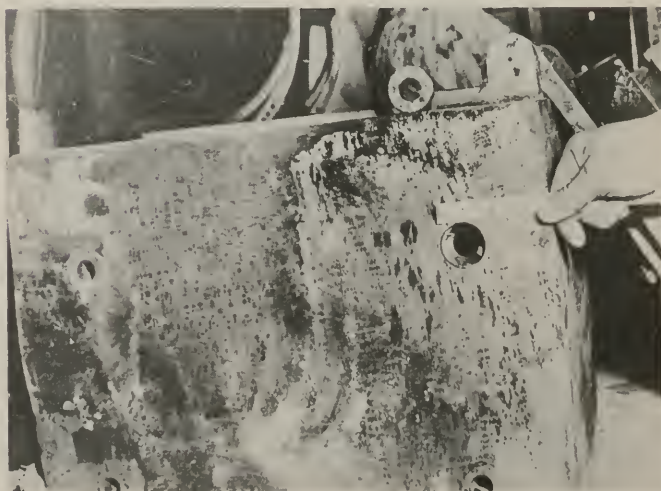


Fig. 20

four individual bolts. At this point, a strange thing happened. There was a deficiency in the manufacturing of the safe and the criminals were able to utilize it to their own benefit. As they applied pressure in order to separate the strong box from the shell, the bolts were withdrawn into the metal box itself. A plug actually held the bolts and when the pressure was applied this plug withdrew and the bolt remained in the outside shell on the floor.

Being in a dime store they had all the equipment they needed. They had access to scissors, tweezers, screw-drivers and pins. They put the strong box up on two rows of boxes, bridged it, and reached up inside the bolt hole with the tweezers, pulling the money bag down through the hole. Then a little bit of the bag was snipped off and some of the money fell out. By pulling the money bag down and by using the same method, all the money was taken out except some fifty-cent pieces. Some of the money, of course, remained inside but by shaking the money bags around they got nearly all of the silver.

§4.21 Use of automobiles

Most criminal operations today involve automobiles in one respect or another. In burglaries and robberies, cars are used, either for their speed or for carrying stolen property. Ordinarily, a sedan is not acceptable for this latter operation because the door post in the middle precludes the possibility of putting anything in the car that is too wide. For getaway cars in robberies this factor would not be of too much importance, but in burglaries, a coach is better.

Very seldom is a spare tire found in any burglar's car for the obvious reason that it takes up too much room. This writer has yet to examine a hoodlum's car and find anything in the trunk.

A car that has been used in a burglary will, upon examination, show certain signs. Because of the weight of a safe, etc., the rocker panel will be bent. (Fig. 21). After all, a car is not designed for any weight such as that. In many instances the back seats of cars have been knocked out, or a coverplate is placed in there. The reason for this is to create more room so that the whole stolen box could



Fig. 21

be placed inside. The trunk door could then be closed and if the springs were reinforced, the additional weight would not be easily discernible.

The above steps are often taken in the more involved burglary operation. The common burglar, if he does anything, will merely take the spare tire out of his car. But anybody who has planned ahead will have access to all the necessary equipment, including an automobile with reinforced springs and sufficient room in the back to carry certain essential tools.

§4.22 Use of trucks

Safes are sometimes discarded in the street. It is our theory that a number of jobs in Cleveland are performed in either a closed truck or a dump truck with high sideboards. After a safe is stolen, it is possible that a truck is driven to some remote spot and there the safe is opened. This writer has no way to prove or disprove this theory, yet I am convinced that somewhere along the line someone has used trucks to transport these boxes.

§4.23 Fishing envelopes from vault

Figure 22 is actually a photograph of the vault of the POC Brewery. There were no markings on the round door for it had not been opened or tampered with. In fact, there was no damage to the rear door either. Yet, money was missing from it. POC's truck drivers, when returning from their routes with their bags of receipts, would open the small rear door of the vault with a key and put their receipt envelopes into the slot. The envelopes would slide down into the main body of the vault. There was no means of actually cutting this door off and getting into the safe to get the receipts. However, there were several mysterious disappearances from that vault and nobody could explain it. Somehow some of the envelopes were opened and a little money taken out. Then the envelopes were returned to the safe. It looked as though the drivers themselves were at fault. The drivers were called in. There would be spot checks. This met with no success. Finally the entire receipt envelopes started to disappear.

Upon investigation, it was discovered that a very ingenious burglar tool had been developed in order to attack this type of a vault. Figure 23 shows the type of tool that was used. It was a clothes hanger and was used by a main-



Fig. 22

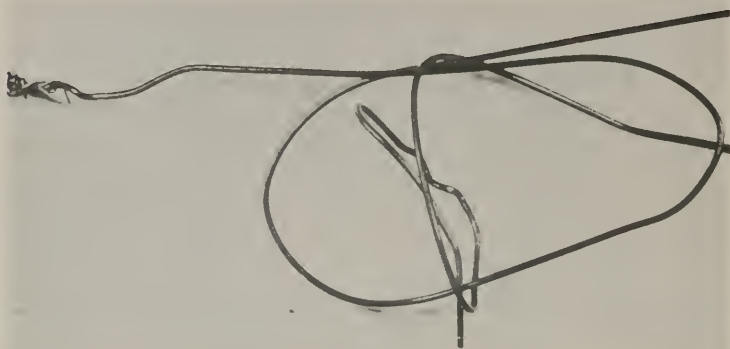


Fig. 23

tenance man who had access to the vault while the door was open. He was able to use this tool to fish down into the safe and hook some of the envelopes. By this method, he was able to get away with a considerable amount of money until he became greedy and started taking entire receipts of the drivers and destroying the envelopes.

This is an excellent example of how anything can be utilized as a burglar tool. This hanger was as effective a burglar tool as a full and complete set of tools, because it accomplished the criminal's purpose.

§4.24 Vaults

There is a distinction between a safe and a vault which most people are unaware of. A safe is only a fire-proof box while a vault is, in theory, a burglar-proof box.

Certain companies have gone to great lengths to take precautions to prevent entrances into vaults by burglars. There are many types of vaults. There are walk-in vaults, bank vaults that you walk into, or the small burglar-proof boxes. Burglar-proof does not necessarily mean completely burglar-proof, but merely as completely burglar-proof as the manufacturer can make it. If they go to great pains to make it burglar-proof then it is to be considered a vault. This writer often finds himself getting mixed up in his terminology. Most boxes that are sold today are of the safe variety. In other words, they are fireproof rather than burglar-proof.

§4.25--Relocking device

One of the deterrents to burglars found on a vault is a relocking device. This device is designed to prevent anyone from entering through the door of the vault. This device is built so that the door will be locked more securely once an attack is made upon it. The attack may be one with force, violence, or with heat. What happens in each situation is almost an identical reaction. The relocking bolt cannot be activated by the combination or locking mechanism in the door. A relocking device is merely another bolt which goes into the frame of the vault in a different location. It becomes activated only if, for example, the combination is knocked off the vault. This in turn will release a spring which automatically shoots the bolt into place. Nothing will dislodge the bolt except a qualified service man from the manufacturer of that vault. His method of dislodging it is by drilling. He has to know where to drill and he has to know exactly how far to drill. In so drilling, he will be able to sever the relocking shaft and bolt so that the door will come open.

One who tampers with the relocking device with heat will be faced with a similar result. Once the temperature reaches a certain point, a fuse will melt and the relocking bolt will snap into place. Nothing then can be done from the outside, with the exception of drilling or burning, which will actually open the vault.

§4.26--Walk-in vault

Figure 24 is a walk-in vault upon which different methods of attacks were attempted. The combination dial was knocked off and driven through, but entrance into the vault was not gained. The locking bolt handle was forced. In addition, the ripping or peeling method was attempted. The hinges were worked on. This latter attempt, incidentally, was foolish, because of the locking bolts which run into the door frame. An attempt was also made on the side of the vault. The thief might have thought it was made of brick, whereas in fact, it was actually tempered metal. The frame was peeled away in an attempt to get a bite on the door or frame at that point. This was also unsuccessful.



Fig. 24

§4.27--Double door safe

A double door safe is often attacked at its hinges, because it is felt that once the hinges are withdrawn, this will allow both doors to fall forward. The hinges were attacked on the safe in Figure 25 with very little success. Had the burglars been able to remove both hinges they still would have found that there were bolts leading into the frame on both sides, as well as into each door.

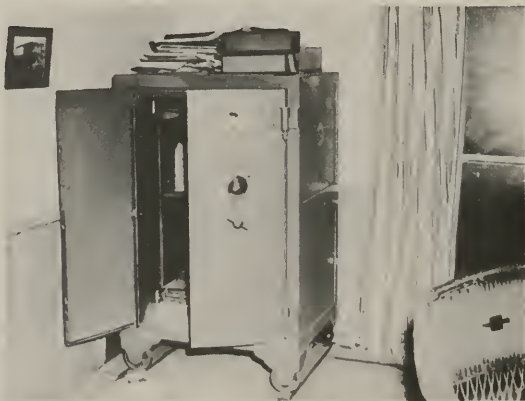


Fig. 25



Fig. 26

§4.28--Round door safe

Figure 26 is an illustration of the simpler form of round door safe. It is the same thickness as the double door, round door safe. The latter type is divided in the middle. The former one, although of the same thickness, is one single unit. The thickness is for fire protection. As for burglar-proofing, the burning done on this safe displays a particularly interesting type of entering into a round door safe that has been successful.

What happened was that a three-eighths or half-inch hole was drilled through the door of the safe. It was drilled all the way down to the bolt. Had they drilled through the bolt it still would not have been enough to shear the bolt off because there would have been enough of the bolt remaining on either side to prevent opening. The criminals drilled in at an angle in order to taper the hole. Once they had drilled down to the bolt, a second, smaller hole was drilled as far back on the locking bolt as possible. Thus there were two holes; one drilled into the door and one drilled into the bolt. Once the smaller hole was drilled

into the bolt, a pin was driven into it so that the pin would serve as a handle. One then pulled the handle, which was actually a driftpin, back, and it withdrew the locking bolts and the door came open.



Fig. 27

Figure 27 is the same type of door that was entered into in the postoffice burglary, discussed above. This specific job was done by kids, however. The oldest one was nineteen and the youngest was eleven years. The boys were able to cut out a piece of metal at the bottom of the vault door and the youngest was small enough to insert his body between this door and the inside door. The opening was only about four or five inches. He was able to get in through that opening, climb up, stand erect, and open one of the vault doors on the inside. He was then able to get into the vault proper. It does not seem possible that he could do it, but he did.

§4.29--Tear gas arrangement

By blind luck, they had by-passed a tear gas arrangement of the type which most postoffices use. Figure 28 is a photograph of the door that the youngster went through. There are numbers on the figure. Number one was the alarm contacts. They went up and down with the wires leading to the contacts which was number two. Number three shows the locking bolts which were staggered and are on both sides of the door. Number four was a locking mechanism which activates the locking bolt. The locking arm activates all the locking bolts. This mechanism was right directly behind the combination. Number five was the tear gas mechanism. Down in the corner was the piece which activates the tear gas mechanism. The boy was able to climb in under it and to climb into the door without actually setting that alarm off. I imagine that he missed it by only an inch and one-half.

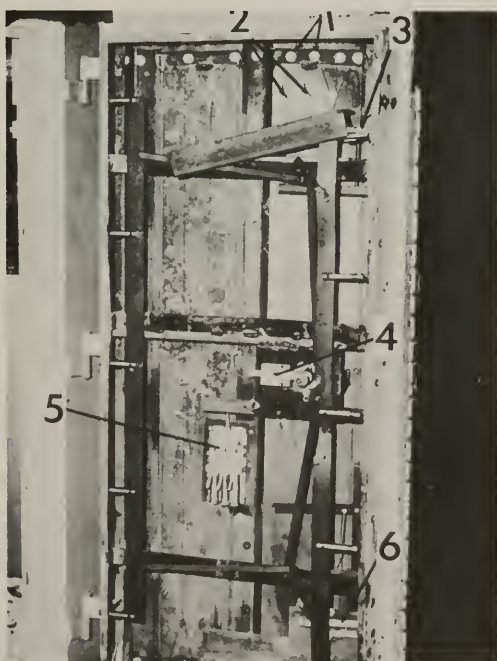


Fig. 28

§4.30 Entry to buildings by body force

There have been many types of entry into buildings by body force alone. Figure 29 illustrates where body force was put to a door whereby it actually forced the locking bolt out of the frame of the door. The burglar had forced right through the frame of the door and naturally, there was no restraining device at all. He was able to get inside. This was just a matter of a weak door.



Fig. 29

§4.31 Releasing the setscrew

There is the type of burglary which begins when the criminal, or one of his confederates, comes to a store and, while unobserved, takes a small screwdriver and works on a little setscrew on the outside door. By loosening that setscrew he can return later and turn the locking tumbler out of place. By releasing the setscrew seen in Figure 30, there is nothing to hold the locking tumbler in place. They can withdraw the locking tumbler and unscrew the locking tumbler and then withdraw the locking bolt and the door will open. Before they leave, they will tighten the setscrew. Thus there is no visible means of entry.



Fig. 30

§4.32 Damage from peel or rip job

Figure 31 shows the type of damage from a peel or rip job. All the safe filler has been pulled out and there are only remnants of the locking bolts left. It was a messy job and they went to a great deal of trouble. Most rip or peel jobs will not display this much damage, because ordinarily the burglars will only pull back the metal as far as is necessary to withdraw the locking bolts. There is no reason to take off the entire front plate.

§4.33 Entry by house burglars

House burglars are ordinarily sneak burglars. If they can't sneak in through an open door, they will sneak in through an unlocked window or they will break a window. In Figure 32 only a small break was necessary in order to reach in and unlock the window. Experts can break out the smallest portions of glass and the rest of the window will be undamaged. When there is this type of entry, one should look for fingerprints and other physical marks. It is doubtful whether one would be able to catch a fellow like this on his first job. Only through a concentration of manpower could a man or prowler like this be caught.

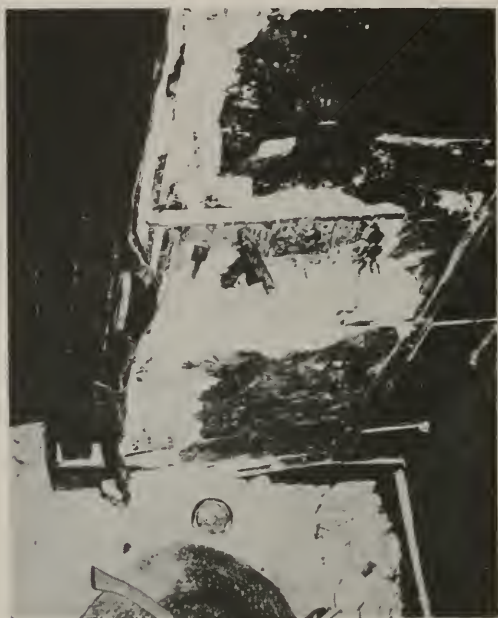


Fig. 31



Fig. 32

§4. 34 Entry for roof jobs

For roof jobs, there can be any number of different methods of entry. The easiest way is to tear out the roofing paper and the wood underneath. Another type of roof entry is through a ventilator. (Fig. 33). Many times, when this method is used, the police find no evidence of the actual means of entry into the building. They find the doors all secured and they will begin to think somebody had another key to gain entry. What really happened was that the burglar came in through the ventilator, dropped down on a false ceiling, removed the grill and with a rope went into the building, took some property, climbed back up the rope, replaced the grill and left. Unless the police are attentive enough to go up on the roof and look around, they may have no idea of what actually had happened.



Fig. 33

Chapter 5
Investigation of Burglary in England
by
George H. Hatherill

Section

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§5.1 Examination of the scene

In investigating a case of burglary, it is essential that the investigating officer should look for and carefully examine all traces which the thief or thieves may have left behind, and he should remember that no detail must ever be considered too insignificant or unworthy of the trouble of examination.

At the approach to the scene, footprints may furnish information as to the number and sex of persons involved. At the point of entry, the method used may indicate the type of perpetrator; attempts to get in to the premises from a number of places would indicate that the intruder was of an amateur rather than a professional origin. It can perhaps at times be seen whether the thief is familiar with the locus of the crime, which will indicate that he had taken his bearings earlier and, possibly, with the help of somebody inside the premises. The type of entry may sometimes indicate the profession of the thief. For example, it can be recognized that he is a good carpenter, a good engineer, a good locksmith, etc. Such things are sometimes useful in locating the suspect.

Many thieves are inclined, when working, to adopt a set series of actions which on each occasion can be classified indicating the nature of origin. Employment here of the Records Method Index may be of use.

In cases where the premises have been entered, the investigating officer will, in the immediate absence of a possible suspect, naturally confine his attentions to the examination of the scene. It has been found that the most practical method is to start at the line of approach to the possible point of entry, through the premises and out via the point of departure. His examination will primarily include a search for possible contact traces left by the thief.

§5.2 Footprints and tire marks

Different types of breaking will involve variation in technique. If it is a house standing on its own ground, then it is possible that before arriving at the point of entry, the thief had to traverse either on foot, or by means of some conveyance, over soft ground. This will naturally

bring to mind the possibility of impressions made by tires of vehicles or the footwear of the miscreant. If such impressions reveal characteristics which may have evidential value at a later stage, they should be preserved from the weather by the inversion of suitable metal or wooden containers. The use of the local garbage can lid must not be despised. Impressions such as these occurring in soft soil, which may vary from sand to heavy clay, normally have three dimensions, length, breadth and depth. To record such impressions, resort may be made to methods of casting, or if casting material is not available, then the camera will be used to suitably record them.

§5.3 Methods of entry

Entry to the premises may have been effected in a number of ways. When the thief is brought in contact with property the most important thing to be borne in mind is the transfer of possible impressions from the ridges of the fingers (the evidential value of these being paramount). The following are suggested methods of entry. They include possibilities of contact traces and the type of control sample which should be removed from the scene.

§5.4--Prying open a window or door

The insertion into a window or door of some type of blunt instrument such as screwdrivers, jimmies and chisels. Where insertion into the woodwork by such an instrument is occasioned there will obviously be indentations in the wooden surface caused by the pressure of the instrument. Such indentations may bear characteristic shape, capable of being compared at a later stage with the instrument, should it become available. The best type of sample to preserve in these cases is, without doubt, the wooden surface itself. Depending upon the seriousness of the offence, it is suggested that a small portion of the fixture can be removed. This can easily be repaired by the insertion of a fresh piece of wood. If the wooden surface is painted then the paint itself must be considered. It is to be expected that some of the paint will have been transferred, by pressure, onto the blade of the instrument.

A control sample of the paint should be obtained from as near the point of contact of the instrument as possible. (If a piece of wood is removed bearing the indentation of the instrument, paint would also be present on this sample, but if not, in taking the control sample of paint it must not be scraped away but must be cut away in such a manner that the whole layer structure of the paint is removed).

Where it is impossible to remove the wood at the point of contact, resort must be made to casting methods. A negative cast of the tool impression is taken with some suitable plastic substance. For coarse impressions in wood a good plasticine is the most suitable medium, its only disadvantage being that it is never hard and care in handling is necessary after the cast is made.

§5.5--Breaking glass

Where a glass of a window or a door has been broken, it is imperative that the investigating officer takes at least three small samples of glass from as near the point of break as possible. If the hole in the window is a small one, before utilizing powder for the development of possible finger impressions, scrutiny of the glass edges for adhering fibres should be made. These will possibly have been transferred from the sleeve of the breaker's coat. If fragments of glass are on the ground immediately beneath the broken window, one or two of these should be taken (it is possible that the breaker may have fragments of glass embedded in the soles of his footwear). Where glass is broken it is quite common for the intruder to cut himself on the sharp edges of the glass. If glass is bloodstained this bloodstaining should be included in the samples taken.

§5.6--Entry from above

Where a climber is at work the route he traverses to gain actual entrance must be examined. If he should scale the downspout on the outside of the premises, that pipe may bear scratches from his footwear, may bear fibres from his garments and may bear latent finger impressions or finger impressions put down or picked out of dirt. If he should traverse across a flat roof to reach a possible sky-

light, there may be foot impressions on the surface of the roof. If the roof is made of lead and the lead has upon its surface a deposit of white carbonate, it may be worth while taking a sample of this powder for comparison at a later stage with any material adhering to the suspect's garments. If the breaker should gain access by means of climbing a rope of any kind, such rope is of importance because his clothing is bound to be covered with fibres from such an article.

§5.7--Through small aperture

Where entry to the premises has been effected by a thief forcing his passage through a small aperture such as a skylight or fanlight, the possible presence of fibres adhering to the surroundings of such an aperture is extremely likely. Sometimes under these conditions buttons and loose articles attached to garments become torn away and may be found in the vicinity.

§5.8--Cutting instruments

Where cutting instruments are used to effect entry, the severing of the hasp of a padlock with a pair of bolt cutters or similar instrument, will leave behind characteristic striations on the cut edges which, at a later stage, may be compared with controls from instruments forthcoming. This type of comparison has an extremely high evidential value, providing the instrument can be put into the personal or constructive possession of the suspect. This technique also applies where telephone or bell wires, or even burglar alarm systems were fitted, severance of the wires having been effected by the thief.

§5.9--Forcing the lock

Many doors are often fitted with a snap type of Yale lock. Thieves have found it possible, in the absence of any other mortice or double lock, to gain entrance by sliding a stiff piece of plastic material in between the door and its jamb, forcing the tongue of the lock back against its spring. Occasions arise where, when this method is used,

left behind in the lock or on the floor immediately beneath, there are small fragments of material which can be connected back to whatever plastic was used. This may be found in the possession of the suspect, and, on occasions, the piece left at the scene can be mechanically fitted back to its original source.

§5.10--Through common wall

The following type of entry is generally effected by more than one person. It is where warehouses or banks are situated adjacent to property. This property can be used by the intruders as a hideout over a period of time. They gain access to the place by punching through the brickwork of the wall, or even by utilizing explosives. In this case, a sample of any brick rubble or mortar found at the scene must be preserved for future comparison. Again the aperture through the brickwork may be small and adhering to its periphery may be fibres removed from the intruder's clothing.

§5.11 Fingerprints, footprints and markings

Once inside the premises the possibility of fingerprints must be foremost in mind. If an intruder has climbed over tables, desks, etc., he may have left behind impressions of his shoes. These impressions will not be in three dimensions and rather than attempt casting methods, it is better that they be photographically recorded.

Where instruments are used to break down internal doors or the drawers of furniture or desks, again the mark made by the instrument may have some value at a later stage.

§5.12 Things carried from premises

Inside the premises conditions of the exchange principle may slightly alter. In this case it is possible that the intruder has taken away on his person, something which is common to the premises. Examples of this are manifest, but the following may be of help: where he has ransacked a room, the floor of which is covered with a multi-colored

carpet (possibilities of fibres from the carpet being on his shoes); where he has ransacked a dressing table or wardrobe and in doing so has possibly spilled some powder or liquid (possibility of such powder or liquid being on his clothes to be borne in mind); where he has, while on the premises, partaken of something to eat or drink, (in the case of a person eating on the premises it may be that he has left his teeth impressions on plastic material such as cheese, chocolate, butter, apples, etc.).

§5.13 Things left on premises

Where there is left behind at the scene, some item which was the property of the intruder, including such things as ropes, handkerchiefs, socks, coats, instruments and hats, all must be taken possession of and searched for any identifying matter. The possibility of fingerprints is foremost in mind as well as laundry marks which may have been made by some invisible process later to be rendered visible by the use of ultra-violet rays. Headwear will naturally have some hairs inside. These can possibly be compared with controls taken from the suspect at a later stage. Remember, in these cases, never put the hat on the suspect's head to see whether it fits.

§5.14 Safecracking

The detailed construction of safes varies, but normally the general principles of structure remain constant. A safe is designed to be opened only by means of a key or some suitable coding. In the absence of this, access to its interior is denied. False keys can be obtained. This is a matter of separate discussion but in the absence of a false key, to effect entry means to resort to some type of force. A safe is normally designed with an outer metal skin, which in some cases may be laminated in different types of metal to assist in the dissipation of heat process, or it may be in one single sheet of rolled steel. Between the outer skin and the inner metal lining, there is normally a fireproof insulating medium designed to protect the contents of the safe against external conflagration. The composition of this medium varies, but in many cases it is

unique in structure. A typical English safe ballast might consist of any of the following substances:-

§5. 15--Safe ballast

Sawdust combined with a crystal which will release its water of crystallization upon being heated. Such crystals are potassium and sodium alum, washing soda.

In addition this mixture might be loaded with some metallic substance such as swarf from engineering shops.

Apart, it might be considered that all the substances are common. Found in association, one with the other, they constitute only one thing and that is safe ballast. Other safe ballast may consist of native chalk which can be identified, one of brick dust, concrete and rubble, asbestos, and one other substance which quite commonly comes under the heading of Kieselguhr. This is a substance which is obtained from the bed of rivers and the sea. It can be identified and consists of fossilized remains of vegetable material.

Whenever force is used to gain access to the interior of a safe some of this fireproofing material will be distributed in the vicinity of the break.

§5. 16--Use of high explosive

Methods of breaking open a safe include the utilization of the oxy-acetylene cutting apparatus and the electric arc cutter. Both are, however, falling into the background. The breaker is relying more and more upon the use of high explosive. A typical method of entry would be to insert into the keyhole of the safe an amount of explosive material, to put in the explosive a low or high voltage detonator, to pack this round with some plastic medium such as putty or plasticine, and to place in front of the safe a number of heavy baffles. These would not normally be brought to the premises unless they were sacks. Local material would be utilized. I have known such things as sides of bacon or beef to be stacked up to accept the blast effects of the explosives. From the detonator a pair of wires would be run to some safe distance away where they would be energized by means of a low voltage battery or by connecting to a suitable main

supply. In some cases the detonator used would take a low burning type of fuse. This, on being ignited, would burn fairly rapidly.

§5.17--Control sample of ballast

The effects of the explosion would be to blow open the door of the safe, or on some occasions to remove it entirely. It is common for the thief to run back into the premises before the effect of the explosion has subsided, whereby his hair and clothing become contaminated with the effects of the blast. It may be brick dust, rubble, or safe ballast.

At all scenes of safecracking it is standard technique to take a control sample of the ballast which packed the safe, the paint with which the outside of the safe was coated, and the paint from inside the safe.

§5.18--Neighborhood interviews

The investigator must not overlook the fact that there may be persons on the premises or living in the vicinity who may be able to assist.

In a number of cases, before being attacked, premises are kept under observation by the thieves to learn the movements of the occupiers or to ascertain the method by which the premises are secured. Therefore, all occupants must be interviewed and any information of unusual calls either personal or by telephone should be carefully noted and followed.

In addition, house to house calls at premises in the vicinity may reveal that a stranger has been noticed loitering in the locality. By these means it is sometimes possible to obtain a useful description of the thief or his accomplice. Should the witness be in a position to identify the man, then arrangements are made for the witness to view the photograph albums at the criminal record office of the new Scotland Yard.

§5.19--Description of stolen property and suspect

A detailed description of the stolen property must be obtained, particular attention being paid to any descrip-

tive marks which will aid positive identification of the property at some later stage.

If, from his investigation at the scene, the identity of the culprit is established, no time is wasted in effecting his arrest. Should this not be immediately possible then he is circulated "Wanted" in police publications throughout the country.

§5.20 The suspect

When dealing with the suspect, from the point of view of scientifically associating with him the crime he has committed, it is well to be armed with the information as to his method of approach, his behavior and departure from the scene. This will enable the investigating officer to assess what clothing or other control samples he may desire.

§5.21--Finger and glove prints

Finger impressions left at the scene, if belonging to the suspect, have of necessity come direct from the person's fingertips. It is from there that the control samples for comparison must be taken. If he has been wearing gloves, the possibility of glove impressions being left at the scene must not be necessarily dismissed lightly. Gloves are, on occasion, capable of leaving sufficient characteristics to enable them to be specifically identified. This is especially so where the gloves have been wet and have left an impression behind at the scene, or where the gloves have picked up or put an impression down in dust. Leather gloves are especially valuable in this respect. Peculiarities and sequence of the markings in the leather are confined to each glove.

§5.22--Examination of body and clothing

If one is dealing with safe ballast, the hair, the pocket comb, the trousers, the jacket and shoes or whatever outer garments he may have been wearing, these are the most likely articles for examination. Glass comes into a similar category, but here more emphasis would be upon the jacket, coat or the shoes. As far as instruments are

concerned, in addition to his person, the suspect's residence must come in for scrutiny. It may be found when the suspect is interrogated that his profession or calling has peculiarities which contaminate his clothing. In light of this information a further search of the scene might bring forth new evidence. For instance, examples are:

- A miller will have flour on him.
- A carpenter - wood dust and shavings.
- An engineer - metal filings and swarf.
- A leather worker - leather chippings.
- A furrier - animal hairs.

§5.23--Blood or other chemical changes

Where blood has been spilled at the scene, an examination of the suspect for injury is important and on occasions his blood should be obtained for the possibility of grouping. Taking this to its logical conclusion, the following example may indicate the type of exchange that takes place:

A man walking across a grass field would naturally get his trousers contaminated with grass seed and vegetation. If he continues to walk across earth his shoes will be contaminated with soil. If he climbs a drain pipe and walks across a lead roof his shoes will again be contaminated with the decomposition products of the lead (white lead carbonate).

On occasions, the subject of the larceny can leave traces on the suspect. Lead, copper and other metals are examples in this respect. Where vehicles have been used to convey stolen property, the same principle of examination applies. On many occasions, with practicing criminals, an examination of their vehicle not only reveals contact traces which can be connected with the particular crime being examined, but also with previous crimes. Several case histories are cited below to illustrate this point.

§5.24--Safe ballast dust

A case of safecracking occurred where entry was effected by blasting off the door with explosives. The fire-proofing medium lining the door was distributed throughout

the office. The thieves stole a quantity of jewelry and money. At a later stage of the inquiry, the investigating officer detained two suspects. Their clothing was submitted for scientific examination. Using the vacuum method of dust extraction, a quantity of debris was individually removed from each garment. In the material removed from the trousers of one of the men there was found a quantity of metal filings together with wood dust. In the wood dust there could be identified fragments of ebony. Similar material was found on both the jacket and trousers of the other man. The first man was employed in a machine shop and stated that the wood dust and metal filings in his trousers had been derived from that source. The wood dust had been placed on the floor to absorb any oil or grease which might be scattered about. Samples of the metal swarf and wood dust from the machine shop were submitted for scientific examination. Comparison of the material found in the suspect's trousers showed that both the physical and chemical structure differed. The wood dust removed from the floor of the machine shop was identified as having come from pine and oak. There was no trace of ebony in this sample. The safe ballast distributed at the scene consisted of ebony dust and metal filings, similar in every way to that removed from the garments of the two men. This evidence, when presented to the court, was material in obtaining a conviction.

§5.25--Face powder and carpet fibres

A man climbed a stack pipe and entered the premises through a partially open bedroom window. He ransacked the dressing table in this room and stole a quantity of jewelry. In doing this he opened a box of face powder, spilling some of the contents on the table and on the floor. Later, a man was detained who emphatically denied this offense. None of the stolen property was recovered. Examination of his shoes, however, showed traces in the welt and on the uppers of a cream-colored powder. The soles of the shoes were made of rubber and adhering to them were a number of green, red and black woolen fibres. The powder was identified as face powder similar to that spilled at the scene. The fibres from the soles of the shoes

compared favorably with fibres taken from the Indian carpet on the floor of the bedroom.

§5.26--Coke dust and asbestos fibres

A case of flat-breaking occurred and stolen from the bedroom was a valuable pearl necklace. This necklace was normally housed in a felt-lined jewel case. Examination of the scene showed no evidence of entry by the normal methods of breaking. This suggested the use of a false key, or somebody having legitimate access to the premises. No foreign fingerprints were detected and there appeared to be no contact made, except that in the jewel case there were found one or two fragments of dust identified as coke dust, and a small maroon-colored fibre. It was established that at the time of the theft a certain night watchman was on duty and as part of his function he supplied each flat with its own hod of coke, which he obtained from the boiler room below. This night watchman was supplied with a uniform. The cuffs of the sleeves of the jacket were made of maroon-colored asbestos to protect his garments from burning when firing the boiler. The fibre found in the jewel case was identified as an asbestos fibre, similar in color and composition to the fibre from the man's cuffs. This information was passed on to the suspect who eventually admitted that he had stolen the necklace after he had deposited a container of coke in the flat. The coke granules found in the jewel case also were associated with the coke in the boiler room.

§5.27--Lead granules, glass particles and cat hair

Entrance to a house had been effected by removing a pane of glass in a rear ground floor window. This was a leaded light casement window and the lead surrounding the pane of glass had been cut through. A quantity of jewelry was stolen and the house ransacked. Later a suspect was interrogated regarding this offense but he denied any knowledge of it. His raincoat, trousers, gloves and shoes were taken from him and submitted to the laboratory with the following control samples: a sample of the lead from the window pane, the pane of glass removed from

the window, and sweepings taken from the carpet in the bedroom. Inside the premises a piece of lead was found on the carpet. Examination of the gloves and shoes showed a number of particles of glass with characteristics similar to the glass removed from the frame. The surface of the gloves gave positive chemical reactions for the presence of lead. The knees of the trousers had a number of black and white cat hairs adhering to them. These were similar to the cat hairs in the sample taken from the carpet. In the cuffs of the trousers were several fragments of greyish-colored granular material which gave reactions for the presence of lead. This material was identical with the fixing cement used for the leaded window.

§5. 28--Blood grouping

A provision merchant's shop was entered by breaking the glass in the door and releasing the catch of the lock. At the place of entry, there was a smear of blood on the glass. The shop floor was covered with a layer of wood dust. Property was stolen. At a later stage, men were stopped in the early morning and interrogated. They denied the offense. Their outside garments were taken from them and these, together with samples of wood dust from the floor of the shop and the broken glass, were forwarded for examination. One of the men had a cut on his hand. It was established that on the shoes of both suspects was wood dust similar to that from the floor of the shop. On the jacket of one man there was a fine splinter of glass similar to the glass from the window. The blood on the glass was grouped and found to be of the same group as the blood of the suspect who had the cut hand.

§5. 29--Footprint, buttons, and thread

A detached house was entered by climbing a low roof to the first floor rear window, breaking the window and releasing the catch. Exit was by means of releasing the Yale lock of the door at the side of the premises. Found at the scene, just inside the premises, was a small button with threads attached. The following day another detached house

was broken into by smashing the ground floor window and releasing the catch. The exit was by means of the side door. Found at the scene was an impression of a crepe soled shoe on top of a radiogram. Two suspects were later detained and their outer garments, together with their shoes, taken to the laboratory for examination. It was established that the foot impression on the radiogram was made by a shoe belonging to one of the suspects. A button was missing from one of the jackets and it was possible to say that the thread of the button found at the scene was similar to the thread of the remaining buttons on the jacket. The button itself had been manufactured by the same machine which manufactured the remaining buttons on the jacket. In the cuffs of one of the pairs of trousers was found a number of pieces of glass, some of which compared favorably with glass broken at the two scenes of the crime described. There were, however, some isolated fragments of glass which could not be connected with either of these crimes. Sometime previously a similar breaking had occurred at other premises nearby and the same method was employed. The glass from these premises was similar in every way to the remaining samples from the trousers of the suspect.

§5.30--Burglary tools

A lock-up shop was entered by severing the hasp of the padlock with a pair of cutters. A safe inside the premises was opened by drilling around the lock and hammering the loosened piece of metal out. At a later stage, a suspect's residence was visited and a large quantity of tools were found, among which was a sledge hammer, a number of drills, (some of them broken) and a pair of bolt cutters. Comparison of the cutting edges of the bolt cutters with the padlock hasp from the scene established that these particular cutters had severed the padlock. The sledge hammer had adhering to its head traces of green and aluminum paint, similar to the paint from the safe. The twist drills showed evidence of having been used and some of these were similar in diameter to the holes in the safe. Small fragments of paint were removed from these drills. These fragments of paint showed similar characteristics to the paint with which the safe was coated.

Chapter 6

Modern Methods of Burglars and Shopbreakers in England *

by
George H. Hatherill

Section

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- 6.3 Police forces and modern construction
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- 6.22 --Night attacks on shops
- 6.23 Police protection and investigation

§6.1 Terminology distinguished

It is quite common for people to talk about a person who has broken into a house as a "burglar." Actually, in English law burglary is applicable to only one particular form of felonious breaking - the forcible entry of a dwelling house between the hours of 9 p.m. and 6 a.m. with the

*The material in this chapter originally appeared in "International Lectures on Police Science" and is used here with permission.

intention at the time of breaking and entering to commit some felony therein, or, alternatively, breaking out of such building after having entered with intent to commit a felony inside, or having committed a felony inside.

Breaking into or breaking out of a house at any other time of the twenty-four hours is 'housebreaking'. A man who commits it is a housebreaker. Those who break into shops, offices, warehouses, garages and so on, at any time of the day or night, are known as shopbreakers, office-breakers, warehousebreakers, and so on.

The person who enters any house through an open door or open window, without breaking in, and who leaves by the same way, commits 'larceny dwelling' if the value of the goods he has stolen is five pounds or over. Under that sum he commits 'larceny simple'. We have these various designations as the various classes of offenses carry different maximum penalties. All these various forms of breaking into or entering buildings and stealing will be discussed in the ensuing article.

§6.2 Private protection of property

Breaking into premises to steal property has in recent years become more and more a problem to the police forces throughout England. The prevention and detection of this type of offense exercises more thought and demands more time and organization of the police service than any other single type of offense.

Before discussing the present day situation, however, it is necessary to examine the past and to trace the trend of events leading up to the present day increase in this type of criminal activity.

In the olden days the saying "An Englishman's home is his castle" was literally true. Buildings were more strongly constructed. This was particularly so in connection with dwelling-houses of people of any substance. The old residential houses of those days were, in fact, fortresses with solid stone or granite walls, often some feet thick. Windows were small and sometimes mere slits, shuttered or easily blocked up at night. Doors were massive oaken structures, iron studded, braced with wrought iron and secured with heavy bolts and bars. When the occupier

retired for the night after locking and bolting his doors and windows, he did so with a feeling of security. It was practically impossible to break in without considerable noise, damage and delay.

People in those days did not travel so far nor so frequently. There were no railways or cars. Only the rich would travel away from their homes by coach or on horse-back on well defined roads. They always left their servants in occupation. Then, too, only the nobility, merchants and middle class had anything valuable worth stealing.

The parish beadle or constable was not regarded as a protector of property. The general public regarded the protection of their homes and property as a personal matter to be undertaken by themselves.

§6.3 Police forces and modern construction

After 1829, however, when police forces were organized in England, the ordinary citizen gradually became more careless in the protection of his property. Gradually the responsibility shifted over on to the shoulders of the police until, in modern times, people do seem to rely more and more on the police to protect their property. Most householders these days are covered by adequate insurance. In some cases when they have been the victims of a 'burglary', they really do not care whether they assist the police to recover their property since they know they will be recompensed either in cash or kind.

Compared with the old houses which were fortresses in themselves, the modern house, factory, flat, bungalow, shop and warehouse, with their extensive expanse of glass for light, flimsy doors, transom windows and ventilators are much more vulnerable to the visit of a breaker or prowling thief. In fact, today no building seems safe. With monotonous regularity we have reports that dwelling-houses have been entered and often by way of open windows, by unlocked doors, by putting an arm through an open window and releasing the catch. Night after night patrolling constables find insecure business premises by the dozen. All this tends to support the contention that much of present day crime of this nature is brought about by carelessness. The breaker just looks for places which are easy to enter

and to get out of quickly. Our statistics show about one-third of the reported entries to buildings are effected through open defenses, windows, doors and so on.

Another factor in modern times which makes this class of offence more difficult to combat is the rapid movement of criminals by using motor vehicles.

All these circumstances illustrate why breaking offenses have increased to such an extent. It is a never-ceasing struggle. The difficulties of investigation increase daily.

For the purpose of this article, it is wise to divide our 'breakings' into three classes:

- (1) country houses and old family residences;
- (2) dwelling-houses and flats;
- (3) warehouses, factories, shops, banks and business houses.

§6.4 Country houses

Country houses are quite a problem in themselves. The usual preventive measures one can apply to other types of buildings are much more difficult to apply to country houses.

Most of these country houses which are known as the "Stately Homes of England" are spread throughout the country. They were built 200, 300 and even 400 or more years ago, in the middle of vast estates and far away from the towns. These estates are well wooded and protected from public view by high walls, trees and hedges. With many the distance between the main entrance to the estate and the residence itself is often a mile or more. With one I know it is almost five miles from the "front gate" to the "front door."

In the years before the First World War, these residences were fully occupied by the old wealthy noble families. They were fully staffed and the estates were well cared for. These families have been extremely hard hit since the First World War by high death duties and mounting taxation. As a result, in many cases it is almost impossible for them to find the money for the bare maintenance

of their grounds and buildings. They certainly cannot employ the huge staffs as in former days.

Some of these country houses have as many as forty or more bedrooms and literally miles of corridors. Many of these old families live in a few rooms in one wing of the building; the rest is left unoccupied. They even find it difficult to obtain a small staff of half a dozen servants as, apart from the high wages asked by them, the servants do not like being isolated in these estates, miles from the nearest little town with its cinemas and general entertainment.

Most of these old country houses are really wonderful examples of good style and architecture. They contain beautiful furniture and art treasures. Quite a number of the owners have thrown open their houses to the public for visits at a small charge, using the money received to eke out the overhead expenses.

§6.5--Valuables on display

As I have said, these old places often have very valuable collections of paintings, antique furniture, jewelry and collections of family treasures. One can always find out about these valuables from reference books, or make a visit on the days when the houses are open to the public and wander around seeing all these rare treasures. Bearing in mind what I have said about their isolated positions and lack of staff, one can understand how vulnerable such places are to a raid by criminals. It is so easy for a thief, or a gang, having decided to raid one of these places, to get all the necessary information regarding the layout of the estate and buildings, the people resident in them and their habits. They can plan the operation knowing exactly what to take and where it will be found. With motor transport, these criminals travel from towns a hundred or more miles away, make their raid swiftly without alarming anybody, and escape before discovery of the raid. Sometimes, bearing in mind the difficulty of obtaining servants, these criminals will put in a young woman accomplice to apply for employment as a maid. Through her they get the complete inside information as to the movements and habits of the family.

Some of the raids that have taken place on these country houses have resulted in the stealing of valuable collections worth many tens of thousands of pounds. There is no question that before making a raid the thieves know exactly which are the best markets for the disposal of their loot. Often these markets are abroad.

Three recent cases were:

1. In October 1953, at the home of Sir Harry Goldsmid near Sevenoaks in Kent, property to the value of 20,000 pounds was stolen.
2. In November 1954, at Williamstrip Park, Cirencester, the home of the Earl St. Alswyn, property valued at 11,000 pounds was taken.
3. In November 1954, at the home of the Duke and Duchess of Sutherland at Guildford, Surrey, 53,000 pounds worth of property was stolen.

§6.6--Duchess of Windsor jewelry theft

The case that had world-wide publicity was the theft of the jewels of the Duchess of Windsor when she and the Duke of Windsor were staying at "Ednam Lodge," the residence of the Earl of Dudley, in October 1946. This place is a forty-room country mansion standing in its own extensive grounds in Berkshire, about twenty-seven miles from London.

The Duchess of Windsor's jewelry was left in a jewel case in a locked suitcase in a first-floor front bedroom. It was last seen at 5 p.m. on the day of the theft when the whole staff went to a downstairs room in the servants' quarters for their evening meal. At 7 p.m. the secretary of the Duchess returned to the bedroom and saw the suitcase had been moved, forced open and the jewel case missing.

Investigation by the police proved that the thief had scaled a sixteen foot drainpipe at the rear of "Ednam Lodge" to a flat lead-covered roof. He had entered the premises through an open bedroom window on the first floor. He opened the door of this bedroom, crossed the corridor to the bedroom opposite occupied by the Duke and

Duchess, the door of which had been left unlocked. The thief left the premises by the way of entry.

On the grounds, about 200 yards away from the Lodge, the jewel case was found, with a considerable amount of jewelry removed. It is curious to note that quite a large amount was left in the box. The actual value of the jewelry stolen was 20,000 pounds, while that left in the jewel box was worth about 5,000 pounds. Despite an extensive world-wide investigation, none of this stolen jewelry has been found. Although we feel we know who the thief was, we cannot get enough evidence to prove any charge we might make.

§6.7--Careful planning and observation

The following points of interest will show how the thief must have had detailed information. It shows the planning, care, thoroughness and speed with which he worked:

- (1) The Duke and Duchess arrived in England from abroad only five days before the theft.
- (2) There was a uniform police constable patrolling the house and grounds at the time of the theft.
- (3) The detective officer attached to the Duke of Windsor was absent from the house, being with the Duke in London.
- (4) The gong calling all the servants to their evening meal could be heard from outside the house.
- (5) All the staff, including the senior staff, such as the secretary, head butler, etc., took their meals at the same time and in the same room at the rear of the house.
- (6) All windows on the first floor had been secured except that of the secretary's room (the room entered) which, being very small and well heated, required ventilation. It was customary to leave that window open.
- (7) No other rooms were entered by the thief.
- (8) Although there were eighteen members of the

staff at the lodge, not one heard anything unusual or saw the thief.

- (9) Our fingerprint experts did not find any fingerprints, only smudges showing that gloves had been used.
- (10) The drainpipe scaled led to a flat lead-covered roof 30 feet by 12 feet. Once there, the thief, lying flat, could remain unnoticed from the ground, or from the first floor windows once the curtains were drawn. It was established the curtains were drawn on that day at 5:15 p.m.
- (11) Nothing else was touched in the Duchess's room, although on the dressing table there were gold mounted and valuable toilet articles.
- (12) Although the staff were interrogated, there was not the slightest suspicion that any one of them was implicated in any way.

The neatness and speed with which this raid was carried out does point to some long time spent in careful planning, observation and, I feel, in acquiring some information regarding the layout of the house. Although a reward of 2,000 pounds was offered, which was later increased to 4,000, no information was ever forthcoming about any piece of the jewelry turning up anywhere.

Many large jewel robberies both in town and the country follow upon publicity given in the press of the movements and activities of wealthy people - functions and parties they are attending, with descriptions of the jewels the women are wearing.

§6.8 Dwelling houses

Coming now to dwelling-houses. I have already said one-third of the entries into dwelling-houses are due to carelessness on the part of the occupiers. Windows and doors are left open, and even keys to the front door are left under the mat for some member of the family to pick up and enter.

The outer suburbs of London have streets of houses, most of them in their own little plot of land. Not

many people can afford to employ a servant full-time. What most housewives do these days is to employ a charwoman in the morning to do the heavy and rough work. Housewives must do their shopping. If one goes to the local shopping area one sees hundreds of women, perhaps with babies in prams or their small children, doing their shopping. Every woman there means an unoccupied house somewhere in the vicinity. The older children are at school and the husband at work. One can imagine therefore the opportunities open to daring thieves.

§6.9--Temporarily unoccupied premises

As I have said, these houses are not firmly secured. A thief will walk up to the front door and ring the bell. If it is not answered, he will quickly go around the side of the house to the back and, if there is no window or door open, quickly force a window and go in. Invariably, the first thing he will do is to wedge the front door so that should the occupier return home unexpectedly he will be unable to open the front door. The thief can thus be warned in time to make a swift getaway from the back through the way he entered. This is known in criminal language as "drumming the joint."

These afternoon thieves work very fast. They will ransack a bedroom by simply turning out all the drawers onto the bed and picking out the jewelry. They take any fur coat they may see. Often they are not in the house for longer than five to ten minutes. Sometimes, in some places they will make a haul of anything up to 2,000 to 3,000 pounds.

We do know that some thieves keep observation in the street in the evening. When they see a family leave the house together, they will follow them and see them go into a local cinema or other place of entertainment. It is not necessary to enlarge upon what happens then. They know they have plenty of time to go back to the house and ransack it at their leisure.

§6.10--Summer vacations

Another problem is families who go away on vacations in the summer. We are always concerned with

peddlers and hawkers going round the suburbs in the summer. They visit houses and where they do not get any reply they will make two or three more calls at that house on successive days. When they still do not get an answer, they conclude the family is away on vacation. These peddlers and hawkers make lists of unoccupied houses of this nature which they sell to thieves specializing in this type of house-breaking. We have even had cases where a family has returned from vacation and found some of the furniture removed. In some cases quite a considerable quantity of carpets and suites of furniture is removed. When the police have made inquiries they have learned that a furniture removal van had drawn up, the thieves quite openly entered the house and removed part of the household property. During the past few years we have conducted an intensive propaganda campaign asking the public always to report to the police when they leave their houses to go on vacation. We ask neighbors to get in touch with the police immediately if they see anything unusual happening round their neighbors' houses when they know the occupants are away. This has had successful results.

§6. 11 Flats

Another type of dwelling which gives us a lot of anxiety are the huge blocks of modern flats. Once again, a thief can enter and, if not stopped by the porter, he can roam around the building ringing door bells. He always has an excuse if they are answered, but if he gets no reply he makes an entry.

Our greatest troubles here are ineffectual locks which are put on doors of flats. The "Yale" type of spring lock, for instance, is very easily opened by a thief pushing a strip of stout celluloid or mica against the tongue of the lock and with pressure the tongue slips back. The door simply opens - a silent method of entry. In these cases there are absolutely no signs of entry. When the thief leaves he simply pulls the door shut and it automatically locks. Thieves arrested committing this type of offense conceal the strip of mica in the broad end of their ties, their shoes or socks, and even suspended from collar studs, so when they are searched it is thoroughly done.

§6. 12--Burglar-proof locks

Another type of lock which came on the market a few years ago was heralded with great fanfare as being "burglar proof." It was found, however, that this was very easily dealt with by thieves. They have a tool working on the principle of a cork screw, to which they attach a key, push it into the lock, slightly turn it until it engages in the lock and then, by twisting the handle, draw the whole core of the lock out, just as one draws the cork out of a bottle. Having drawn out the core or barrel of the lock, all they have to do then is just to pull the tongue back, as shown in Figure 34.

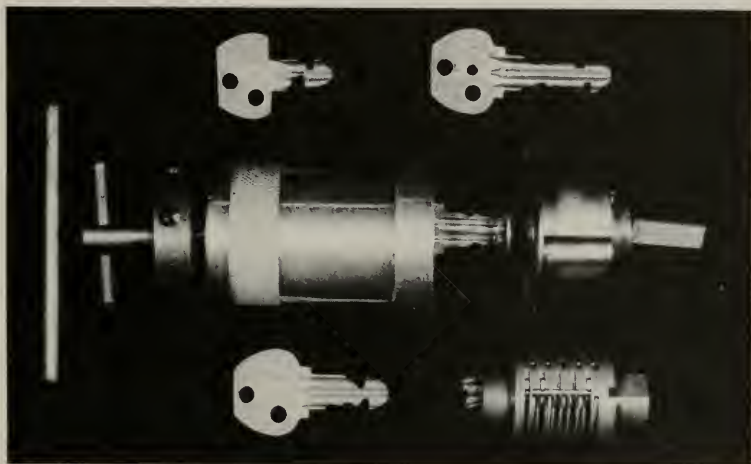


Fig. 34

§6. 13--Lock pickers

Then we have the gentleman equipped with all the various pick locks. He is an experienced picker of locks and I am presenting a photograph (Fig. 35) of the equipment found on a man arrested a few months ago in London. All the stuff in this photograph below he carried in one small bag. With this outfit he could open any ordinary door lock. The book in the photograph is a technical book on modern locks. He kept himself up-to-date concerning every new type of lock brought out.



Fig. 35

§6.14--Entry through artifice

One other troublesome type of thief we have had over the last few years is the man who gains entry into a house or flat by what we call "artifice." He dresses himself up as a gas, electricity or telephone inspector, tells the housewife he has come to make some examination of the equipment in the house as there appears to be some fault somewhere in the street which he is trying to trace. She, being busy with her housework, unsuspectingly allows him, for instance, to go into her bedroom. When she is there he quickly picks up anything of value lying about. One man recently caught had visited scores of houses in London in

this way. He had got away with property of a total value of thousands of pounds. Once again, we are combating this by widespread publicity in the press and on the radio.

§6. 15--Telescopic walking stick

Another ingenious thief went about with a walking stick which was, in effect, a series of strong metal tubes which telescoped within each other and which he could take out, fasten by pins and make an admirable scaling hook for climbing up to windows left open on the first floor of a house. The photographs in Figure 36 graphically display this unusual walking stick.

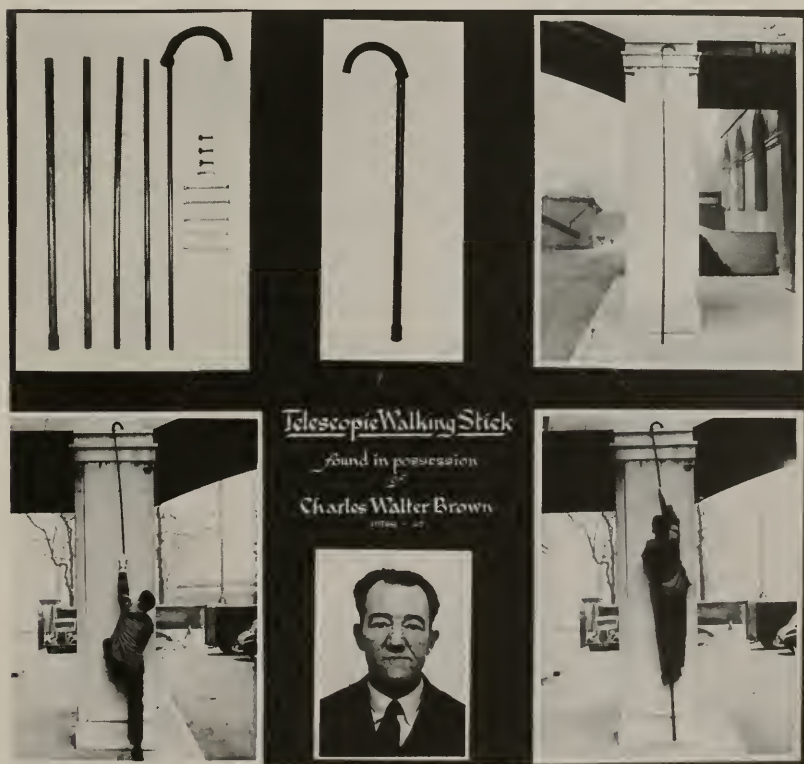


Fig. 36

§6. 16 Warehouses, factories, shops and banks

Coming now to the raids upon warehouses, factories, shops, banks and business houses, I am not going to discuss the petty thief who breaks in and just steals whatever he can find. I refer only to the organized gangs that attack those buildings where they intend to make a haul of thousands of pounds in furs, cloth, jewelry, precious stones and, in the case of banks and business houses, large sums of money from the strong rooms or safes.

These gangs work along lines similar to those of criminal gangs specializing in this particular work in the United States, except it is rare they carry firearms. They examine thoroughly the terrain perhaps for weeks before. They generally obtain detailed information regarding the particular property they intend to steal, where it is kept and what they have to tackle to get at it. It seems they do obtain some information regarding any secret burglar alarms on the premises. We have had entries into warehouses, for example, where they have been very careful not to disturb the automatic alarm installed. Where there has been a nightwatchman, they have known just when and where to tackle him. They do not hesitate to knock him out and tie him up.

Most of these big raids are made during the weekends. Where employees leave the premises at 1 p. m. on a Saturday, these gangs have the whole place to themselves until Monday morning. Where walls have to be pierced and safes attacked, we have found they have worked through the Saturday evening and night, and possibly have got to their objective sometime during the Sunday. Therefore, the long weekend is vital to them.

§6. 17--Methods of entry

All sorts of methods are employed by these people first to gain admission. One very favorite trick is for one member of the gang to go into the premises on a Saturday morning and secrete himself somewhere, perhaps in the lavatory or some cupboard, until the whole staff has left. Then, when everything is clear, he admits the rest of the gang with their equipment. In other cases, as in a recent

case in London, they secreted themselves in the premises next to a bank that they attacked. In this case they broke through the side walls of the building into the basement and then attacked the vault and strong room. Their haul was over 20,000 pounds in currency. This method of entry is often carried out in attacking warehouses. They are equipped with the latest oxyacetylene apparatus for cutting through metal.

§6. 18--Oxyacetylene apparatus

A recent gang we finally captured had a more advanced process. In July 1954, a determined attempt was made to cut open a strong-room door at factory premises in Whitstable, Kent. The door withstood the onslaught although a different story might have been told but for a slip on the part of the thieves. The safe which contained many thousands of pounds worth of property was of a very well known make. The door was lined with copper sheeting. This sheeting, coupled with an excess of oxygen, caused a blow-back with the power setting fire to a camouflage sheet used by the thieves. This caused them to abandon the attempt on the strong room. The method used was one of the first of its kind ever to have been attempted and as such aroused a great deal of interest to the police and safe manufacturers. Unfortunately, it may have given fresh ideas to would-be thieves. This method was to use equipment appropriate to the oxy-arc process employed for the cutting of metals, a comparatively new means and one that is both speedy and effective. The equipment used in this instance was recovered by us and is shown in Figures 37 and 38.

It consisted of one welding transformer, complete with primary cables and fittings, a secondary earth lead and secondary lead to the oxy-arc gun. This gun was the usual pattern and common in use in legitimate business. To it was attached various accessories and spares: one oxygen cylinder with regulator and a supply of oxy-arc electrodes of the standard types commonly used for piercing and cutting. In addition, there were the usual welders' accessories - helmet, apron, gloves, etc., and portable collapsible welding booth. The latter was a self-made affair which when erected could be used as a tent. In fact,



Fig. 37

in this particular instance, one of the men eventually arrested and convicted of this offense was seen making this collapsible booth with aluminum strips. He facetiously remarked that he was making it to use as a beach tent when in the south of France. When collapsed this booth folded into a small bundle easily put into the boot of a motor car. When in use as a welder's booth, the thieves covered it with black plastic sheeting which is highly inflammable. Thereby they made their first mistake. Asbestos, the usual covering for such a purpose, is not inflammable and a blow-back would not have affected it.



Fig. 38

§6. 19--Operation of oxy-arc cutting

It is well at this stage to reveal the operation of oxy-arc cutting. The process is that of striking an electric arc on the object to be cut and subsequently opening the oxygen valve on the gun which allows a stream of high pressure oxygen to pass down the whole electrode into the arc zone. The oxidation which takes place at the high temperature produced by the arc causes very rapid burning. The transformer is used for the purpose of providing power to the arc; the oxygen cylinder, the appropriate quantity of pressure of oxygen. The process is substantially more rapid than oxy gas cutting and has additional advantages with respect to piercing capacity and ability to cut through laminated materials. Cutting of steel billets up to eight or nine inches thick is a common application. The oxygen process is not considered a satisfactory method of ordinary

safes which are constructed with various thicknesses of steel plate separated by ballast because of the dissipation of heat within the safe walls. The oxy-arc process concentrates the heat in the arc and in consequence piercing and cutting is relatively easy in laminated structures.

This process normally demands substantial electric power supply. Most commercial transformers cover a wide range of outputs for different applications. The transformer used by the thieves in this instance was designed to reduce power demand to a minimum, but the power demand would still be on the upper limit of a normal 15 amp circuit. An expert's view was that to use this transformer it would be necessary to replace or strengthen the fuses in the circuit employed. In fact, that is what did happen at Whitstable. An interesting feature of this transformer was revealed by investigation. It is a small compact job and was made to the thieves' own specifications so that it could easily be taken around in the boot of the motor car.

The attacked safe in this instance was examined by an expert who formed the view that the thieves used too much oxygen on the job and so caused the blow-back which set fire to the plastic sheeting. That was their second mistake. Apart from these small but important items, a very determined effort was made. By the equipment used it is obvious that planning was done by a clever and ingenious rogue.

When the attempt on the strong-room door was first discovered, the local investigating officer came to the conclusion that this was the work of an expert gang. It was not until two weeks later that we arrested the persons concerned in London. In a careful search of garages and cars used by the culprits, we found all the equipment necessary for the oxy-arc process, already mentioned in this account, plus scientific evidence connecting some of the equipment with the case of attempted safe blowing referred to. One important feature was the presence of burnt plastic on the equipment, in the body of the two cars used and on a garage floor. A missing aluminum nut from the welding booth was found near the strong-room door at Whitstable. Burnt plastic material was still adhering to the metal booth when found.

One other revealing and interesting feature of this case remains to be told. It is the use by the thieves of

a surgical instrument which is really designed for the examination of the genito-urinary tract. One such instrument was found, together with two metal drills, in the cubby hole of the motor car used by the thieves. This instrument is equally effective for the examination of the inside of safe locks. The presence of two twist drills in the box with the instrument supported the contention that the instrument was used for the latter purpose.

§6.20--Modern methods of crime

This case revealed the most modern methods to come to our notice and shows to what ends the up-to-date safe breaker will go in his efforts to overcome the equally up-to-date methods used by safe makers.

The gang using this equipment was led by a man of high intelligence and brains. They had had remarkable success for some months. Among other things, they had managed to contact a member of a big London insurance company and through him obtained a book from Lloyd's giving assessors' reports on buildings, flats and houses which the insurance company was asked to cover by the owners. These reports, of course, detailed very fully the building to be insured, any weaknesses in its structure and security, what staff was likely to be on the premises outside of working hours, what valuable property was stored there, and where. In other words, these were first-hand intelligence reports for this gang. In addition, when working on the job, they had one man inside the building with a 'walkie-talkie' and one or two men outside at strategic points with the same apparatus for the outside people to keep observation and report any undue inquisitiveness by the police.

One other outstanding feat they carried out was to enter a suburban house where a postmistress lived, in the middle of the night, and obtain from her the keys to a big postoffice in the city. While two men remained with her sitting on her bed to keep her quiet, other members went to the post office, entered with the keys, and cleared the stock - stamps, cash, and other valuable securities - amounting to some tens of thousands of pounds. After this they returned to the house, picked up the two men left there,

and disappeared. When we caught this gang we recovered some thousands of pounds worth of stamps in their possession, together with proceeds of other large robberies they had carried out.

§6.21--Use of explosives

Many gangs operating on this class of crime use explosives in blowing safes and strong rooms. We have had in recent years an increase in this method. There is a strong control in England on the possession and storage of explosives. To obtain gelignite and fuses, criminals have to do so by breaking into places where they are stored. Thus, when we have a case reported of stealing explosives and the thieves and explosives are not traced, we know in due course we shall have cases of safe-blowing.

§6.22--Night attacks on shops

Another form of quick action with good hauls are attacks on shops at night. Big furriers' and jewelers' shops often have their front windows and doors protected by heavy steel grids. In the early morning hours a gang will drive up to one of these establishments in a powerful car to which they attach a cable with a strong steel hook to the grid. By driving the car away at top speed they tear the whole front of the shop down. Members of the gang standing by immediately enter through the broken shop window, grab all they can in the way of furs, for example, and at once make their getaway in the car. It is remarkable in these cases how these criminals take only the very expensive fur coats worth thousands of pounds, and leave only those worth hundreds. This again indicates they have studied the lay-out well beforehand and carefully planned the affair. Jewelers' shops are attacked in this manner. This method may seem to be a cumbersome and noisy operation but, in fact, it is carried out within a matter of three or four minutes.

Another method in this class of attack is to place against a door a heavy beam of wood as a battering ram at which the car is driven. The door is literally smashed down. In all these operations the cars used have been stolen, being abandoned as soon as possible after their getaway.

§6.23 Police protection and investigation

It is hardly necessary to say all these criminal activities I have spoken about are given close and constant attention by the police in England. The various forces have specialized sections of C.I.D. to deal with them. In London we have our Flying Squad, with picked men, equipped with fast cars, who fight this class of crime committed in London. We also have at Scotland Yard a newly formed section composed of C.I.D. officers from the police forces outside London, together with officers of our force. This section or squad concentrates upon London criminals who operate in the country away from London. These police organizations are having increasing success in dealing with this type of crime.

The scientific laboratory also plays its part: examination of hairs, fibres, textiles, jimmy marks found at the scenes, and the use of scientific apparatus play an important part in supplying the important links in these investigations. The scientists give to the police that little extra evidence enabling them to take the persons they know are responsible for the crime before the courts and prove their guilt to a jury.

Chapter 7
Robbery at Hatton Garden
Safe Deposit
by
George H. Hatherill

Section

- 7. 1 Hours of business
- 7. 2 Security and control of safe deposit
- 7. 3 --Three custodians and their duties
- 7. 4 Larcenies from the safe deposit
- 7. 5 --Police inquiries; time of loss
- 7. 6 --Surveillance of custodians
- 7. 7 --Underworld inquiries
- 7. 8 --Conference of senior officers
- 7. 9 --Results of police search
- 7. 10 --Key blanks in jewelers' homes
- 7. 11 Safe deposit installation
- 7. 12 Preferring of charges
- 7. 13 Result of trial
- 7. 14 Conclusion

§7.1 Hours of business

Hatton Garden Safe Deposit occupies basement premises at 88/90, Hatton Garden, and is controlled by a limited company. The safe deposit is open for the use of renters from 9 a. m. to 6 p. m. Monday to Friday, and from 9 a. m. until 12 noon on Saturdays. It is, of course, closed on Sundays.

§7.2 Security and control of safe deposit

It is virtually impossible to gain access to the safe deposit after closing time without the knowledge of the managing director of the company and at least two of his employees. The main door leading to the grill is controlled by two combinations which operate independently of one another and both have to be used to open the door. One

combination is known by the managing director and the manager of the safe deposit and the other by the safe deposit custodians (to whom reference will be made later).

Once the main heavy steel door is opened, a metal grill is then opened by two independent keys and access is obtained to the safe deposit which contains the safe boxes of the customers. This safe deposit has 900 boxes of varying types and sizes.

§7. 3--Three custodians and their duties

There are three custodians employed in the safe deposit, each of whom has a guardian key, and their duties are as follows:

One of the custodians, when the safe deposit is opened, stands at the door of the metal grill and admits the renter of the safe. The latter signs his name in a book showing time of arrival and subsequent time of leaving.

The other custodians stand within the safe deposit awaiting the renter. Before the individual can undo his box, it is necessary for the custodian to turn the guardian key. Then the renter can turn his key in a separate lock and have access to the box. It should be explained that every safe deposit box is operated by two locks (1) the guardian lock, and (2) the individual lock, each of which is different to the individual renter.

When an individual rents his box he is given two keys in a sealed envelope. It should be impossible to gain legitimate access to the safe deposit box by any person except the renter. Inside each safe deposit box is a black metal deed box in which the renter places his goods. Once the guardian key has been turned, the renter can open his box and can, if necessary, take the contents to a cubicle for examination of any property.

It should be explained here that the custodians at this safe deposit each deal with very valuable property, including large sums of money, diamonds and valuable jewelry. They have worked there for a number of years and know their customers by face and name.

The busiest time at the safe deposit is during the week. On Saturday morning it is extremely quiet. Most of the individuals using this safe deposit are of Jewish faith.

§7.4 Larcenies from the safe deposit

Early in 1956, individual renters discovered, upon opening their boxes, that valuable pieces of jewelry, diamonds and cash in varying amounts were missing from their boxes. It seemed virtually impossible for a larceny to have taken place and a great number of them put their losses down to carelessness on their own behalf or, strange though it may seem, believed that they had misplaced their goods.

The thieves operating this robbery, if they had not been greedy, could undoubtedly have continued in this strain for many many months. These early larcenies varied in amounts between 500 and 2,000 pounds and were not in the main reported to police. Some of the individuals complained to the managing director, who pooch-pooched the idea that any larcenies could take place at the safe deposit with the security arrangements in hand.

However, in October, 1956, a very reputable diamond merchant found, on examination of the contents of his safe box, that 6,000 pounds worth of diamonds had been stolen. It was reported to police, and officers from New Scotland Yard were put on the inquiry owing to the seriousness and apparent impregnability of this safe deposit. Within a week it was established that in the past nine months at least twenty-four larcenies had occurred, totalling 30,000 pounds, and that a number of others had obviously taken place but that these losers, for reasons which were obvious, did not want to tell police. (Income tax, purchase tax offenses, stolen property and smuggling).

§7.5--Police inquiries; time of loss

Inquiries showed that the safe deposit was physically impregnable unless dynamited. Further inquiries showed that the bulk of the people who had lost goods had lost them between Friday evening and Monday morning. It will be remembered that the safe deposit was closed on Sunday and the evidence pointed to these larcenies taking place on a Saturday morning during the time the safe deposit was open.

Further inquiries showed that even with a false key or keys it would be impossible for an individual to open

another person's box without collusion on behalf of one of the custodians.

An examination of the book kept by the proprietors to register the entry of renters showed that the custodians on a Saturday morning had not been enforcing this rule and no record was available to show who had, in fact, entered and left the safe deposit on Saturdays.

§7.6--Surveillance of custodians

The inquiries were widened, the custodians were followed and it was found that one of them, a man of good character who was married, with ten children, was spending 5 pounds a night on drink and each morning arrived from a poor quarter in the East End to the center of the diamond trade - Hatton Garden - by cab.

This custodian was given strict surveillance by a number of officers and it was shown that he was, during the evening, constantly in the company of two well-known jewelers. Both had been suspected for years of receiving stolen property, but had no criminal convictions.

§7.7--Underworld inquiries

Contacts were made by the Yard officers with underworld informants and it was ascertained from them that these two jewelers had been disposing of diamonds over the past nine months on a large scale and had been heard in gossip to talk about false keys.

§7.8--Conference of senior officers

A conference of senior officers was held and it was decided that immediate and simultaneous action would have to be taken to search the residences of the custodians, the two jewelers, their employees and known associates. The cooperation of the Flying Squad was obtained and ten search warrants were executed in various parts of London simultaneously.

§7.9--Results of police search

At the home of one custodian (the gentleman who came to work by taxi), in a blazer in the bedroom, were found a number of diamond papers, in one of which were eight small diamonds. This man had no knowledge of the diamond trade and could give no legitimate reason for his possession of the diamond papers and the diamonds.

He was taken to Scotland Yard where he denied possession of the goods but eventually said he had forgotten and became very distressed.

§7.10--Key blanks in jewelers' homes

In the meantime other officers searching one of the jeweler's premises found in a box three key blanks of a type similar to those issued to renters. Also found were some pearls and zircons for which the only explanation he could give was that he had bought them for a small amount, from a man he didn't know, in a cafe. There was no record in his books of the purchase of these goods. All the other property at this address was checked and no action could be taken. The pearls, zircons, safe deposit and blank keys were seized by police. These key blanks had not been cut and the jeweler could give no explanation for his possession of them.

Other officers searching the private address of the second jeweler found hidden, under a carpet, similar key blanks. This man first of all blamed the housekeeper for them being there and subsequently gave the explanation that they were padlock key blanks.

All three individuals made various noncommittal statements to police, none of which amounted to an admission.

Subsequent inquiries at the safe deposit showed that one of the jewelers had a legitimate safe box there but in a false name, thus giving him access to the safe deposit. The other jeweler had a safe box at this deposit in his proper name.

Despite exhaustive inquiries by police the zircons and pearls could not be definitely identified by any renter as his property. The individual who had lost the 6,000 pounds worth of diamonds gave evidence that those found at the

custodian's address were similar to his in every way. It should be explained that the diamond papers found at this address bore no marks of identification in any way.

§7. 11 Safe deposit installation

Messrs. Chubb and Sons, Lock and Safe Company, installed this Hatton Garden Safe Deposit. The technical manager was shown the blank keys found at the two jewelers' addresses and said that, with an impression of the lock, it would be possible to cut these keys for use on individual renters' boxes. These keys are the flat type and operate a seven lever lock - after the guardian has opened his box. From an informant it was learned that with collusion on the part of the custodian, these two jewelers had undoubtedly obtained, by some means unknown to police, impressions of the keys of those renters who had suffered larcenies.

§7. 12 Preferring of charges

The three individuals were charged with stealing parcels of diamonds, the property of the individual who identified the eight diamonds found at the custodian's address. In addition, the custodian was charged with receiving these eight 'Melee' diamonds, the property of this particular renter. One jeweler was also charged with receiving three parcels containing pearls and colored zircons, the property of some person or persons unknown, knowing them to have been stolen.

This case was strongly contested and after twelve hearings at Clerkenwell magistrates' court, they eventually went to trial five months later in March, 1957, at the central criminal court.

On the opinion of counsel ten persons were called to give evidence of larcenies from their safe deposit boxes over a period of nine months, and a further count of conspiracy to steal was preferred in the indictment.

§7. 13 Result of trial

After a strongly contested case, all three were sentenced to two and one-half years imprisonment for the

offense of conspiring to steal precious and semi-precious stones and cash for a period between March 1, 1956, and November 16, 1956. The other charges were not dealt with owing to the inability to identify the precious stones.

§7.14 Conclusion

There is no doubt that the arrest and just conviction of these three men, for a period at least, shook the confidence of the diamond trade in the apparent impregnability of the safe deposit and the number of renters was, for a period of four or five months, reduced to half.

This confidence has now been restored and, after conviction, it was appreciated by the renters that the larcenies could only take place with the collusion of a dishonest custodian.

This series of robberies from a safe deposit was unique in the United Kingdom for many years and it should be pointed out that the thieves, in the main, were taking unidentifiable property - bank notes and diamonds. Only greed - the 6,000 pound larceny - resulted in the police being informed. If they had been content to milk the safe deposit boxes as they did in the early stages, the losers would not have contacted police and the men would not have been apprehended.

Chapter 8
Investigating Incendiary Fires
by
Edward L. Hughes

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§8.1 National Board of Fire Underwriters

The National Board of Fire Underwriters and its Committee on Incendiary and Arson, of which this writer is a member, assists the public authorities, when requested, in the investigation of fires and kindred crimes. There is a committee of about 140 special agents throughout the country, and about three-fourths of them are former FBI agents.

The National Board is an organization of about 200 capital stock fire insurance companies. However, requests for investigations are received from public authorities. We assist whenever we are requested, regardless of whether insurance is involved in the loss or not, or if there is insurance, whether it might be stock insurance or mutual insurance. In other words, we do not care. Our primary purpose, of course, is prosecution. Second to that is the monetary loss to the insurance companies.

§8.2 Common law arson

A short study of common law arson should be made in order to appreciate the laws as we know them today. "Common law" is a name given by the law of England and it means that it is not a written law; it is a law that has been established by custom and by experience. In the past, there were no statutes or code books to which you could make reference for decisions. If an act was a crime, it would have been established as one by custom.

Some 400 years ago arson was recognized as a crime. At that time it was considered a crime only against another's habitation. In other words, a person then living in his own dwelling could set fire to it and not commit a crime. If he set fire to the home of another person, however, then he had committed arson. Ownership, as we know it today, had nothing to do with the crime itself. A tenant, as long as he lived in the dwelling, could set fire to it and go scot free. On the other hand, the actual owner of the dwelling could not set fire to it if it were occupied by a

tenant. The dwelling set on fire then, had to be occupied by someone other than the incendiary. This was before the birth of insurance companies and prior to the crime known as "burning to defraud."

§8.3 Model Arson Law

Today, in a few states, the common law version still prevails. There have been certain legislative enactments to include buildings other than dwellings. In these few states the buildings must still be those of another. Ohio has enacted the Model Arson Law which provides that arson may be committed regardless of the ownership or occupancy of the building burned. The Model Arson Law is now in effect in forty-two states, and provides, in part, as follows:

1. A man or a woman may commit arson by burning a building which is either his property or another's.

2. Included are not only those who burn, but, in addition, those who cause to be burned or aid, counsel, or procure the burning of certain buildings. This enables the state to prosecute, as principals, these defendants who might otherwise be regarded as accessories before the fact.

3. This law provides that the preparation of the building for a fire with intent to burn shall constitute an attempt to commit arson.

§8.4 Crimes relating to arson

There are several crimes related to arson set forth in the laws of Ohio. Those crimes mainly dealt with in Ohio are: first-degree arson, which is the burning of a dwelling, whether it is occupied, unoccupied, or vacant, or any kitchen, shop, barn, stable, or other out-house that is a parcel thereto. It has to be done willfully and maliciously. Upon conviction thereof, the sentence is two to twenty years. Upon conviction under this section, persons cannot be placed on probation. There is no provision for probation for those convicted of first-degree arson.

Second and third-degree arson deals with the burning of buildings other than dwellings, including any structure not included in the previous section, and these burnings result in a penalty of one to ten years.

The burning of other property having a value of twenty-five dollars or more, which has a penalty of one to three years.

For an attempt to burn, the penalty is one to two years.

For burning to defraud the insurer, the penalty is one to five years.

In Ohio there is no statute of limitations for the crime of arson.

§8.5 Guilt beyond a reasonable doubt

In arson, as in any other case, the judge charges the jury. In a typical charge in an arson case, there are thirteen times when the judge instructs the jury that they must find the defendant guilty beyond a reasonable doubt. Some judges wonder at times how a jury can possibly come in with a guilty verdict after the judge has told the jury thirteen times, "You must not convict this man unless he is guilty beyond a reasonable doubt."

§8.6 Elements of arson; time and place

There are four elements necessary to prove a person guilty of arson. The first element of the violation is that the fire occurred at a specific time on a certain date, and within the jurisdiction of the court.

We are not concerned too much with the first element, because in larger cities, all of that is usually recorded electrically or mechanically by the fire department. Smaller cities also keep fairly complete records. Therefore, one usually can obtain the first element by contacting the fire chief or the fireman who was in charge.

§8.7--Interviewing party discovering fire

In country towns, when investigating fires, one has to rely on the person who discovered the fire. Let me point out the importance of the location and the interviewing of the person who discovered the fire. You must exhaust him, because from him you will obtain a considerable amount of information. For example, ask him about the

appearance of the building, what it looked like when he first saw it, where he saw the fire coming from, whether he just saw smoke, the color of the smoke, when he arrived at the scene, what he did there, etc. (One should always keep in mind that a lot of our incendiaryists are people who discover the fire.)

There was a case where we were called upon to investigate a fire that occurred above a theatre in an apartment house. If the fire really had a good start, it probably would have burned out the whole block. Three or four minor fires had been set in the past under a stairway back in a corner and the same woman discovered the fire every time. She was going through menopause and it affected her mentally as well as physically. She wanted some attention so she started setting fires and then discovered and reported them.

In securing the facts for the first element, you must know and be able to report to the person who owns the building. It is necessary to establish ownership and whether the building was occupied or unoccupied.

§8.8--Description of the building

The description of the building, of course, is very important. The prosecutor must be informed of the age of the building, the number of rooms and the type of construction. In presenting these facts to a jury, they can appreciate that if it was close to another dwelling the arson is more serious. It must be kept in mind that in order to prosecute under the first-degree arson law, there must be more than a mere scorching or smoking or discoloration of a building or the wood therein. There has to be an actual burning and an actual destruction of the wood fibre. If you just have discoloration, then one would prosecute under an attempt to burn.

§8.9 Incendiary origin

The second element to establish is incendiary origin. This is the most difficult element to establish because it is a rule of law that all fires are accidental until they are proven otherwise. Therefore, all accidental causes

such as lightning, electricity, gas and the like must be eliminated. It must be proved that a structure was burned by criminal design and by persons criminally responsible. In other words, the corpus delicti, or the body of the crime, must be proved. Incendiary origin can be proved by direct or circumstantial evidence.

§8. 10--Circumstantial evidence

We often have to deal with circumstantial evidence which is not really poor evidence. Circumstantial evidence is as good, if not better, than direct evidence. By using direct evidence one witness can testify and perjure himself and convict an innocent person, whereas in circumstantial evidence you have to rely on a considerable number of witnesses to testify to one little thing they might know, or what they saw.

§8. 11--Confession

If you are lucky enough to get a confession in an arson case, it must be corroborated, because in the presentation of an arson case, like so many other crimes, you have to establish the incendiary origin and it cannot be done by a confession alone.

§8. 12--Proof by direct evidence

The incendiary origin can be proved by direct evidence. Examples are the saturation of a room or a building with kerosene or gasoline, or the presence of containers for kerosene, or gas in a place where they usually are not found. There might be multiple fires—a fire down in the basement, and a fire up on the third floor—which have no connection with one another. They could not have communicated.

What direct evidence is helpful in establishing the incendiary requirement? The unusual or the unnatural, such as disarranged furniture, as to hamper the firemen, or the actual removal of the furniture before the fire, or a hole knocked in a wall to create a draft, or even the family Bible missing, all are necessary information.

One who considers setting his house on fire, should let the insurance policy burn up with it, because that is the one thing arson investigators are touchy about! Many people try to beat us by carrying their insurance policies around in the glove compartment of their cars for example.

We actually look for the family Bible, the marriage license and the like, because it is an indication that if a person was going to have a fire, he might want to save a birth certificate, wedding certificate, and particularly, the insurance policy.

It is wise to avoid using expert testimony to establish incendiary origin. The reason is that expert testimony can be challenged by the defense without limitation.

§8.13 Motive

The third element is motive. The law does not say that you must establish motive. Nevertheless, it is extremely important that motive be established. It should be shown why this person set this fire. Usually, the motive is revenge or a desire to defraud the insurer. One might look for what we call "over-insurance." Unfortunately, today, insurance agents are sometimes writing losses which they should not write. It is a competitive field for them. This writer knows of a specific loss in Pike County, during the time when the boom was existing because of the atomic energy plant, in which a person had \$27,000 invested in a building, yet a policy for \$103,000 was written on that particular building and contents. It burned to the ground.

§8.14--Valued policy law

A person may have adequate insurance, and because of a desire to sell out, or because his wares have become obsolete, or the like, he is willing to settle for exactly what he is insured for. In that regard, it might be pointed out that in the state of Ohio, there is a valued policy law. Without a valued policy law, if you obtain \$10,000 in insurance on your house, and that house burns for a total loss, the adjustor may try to settle for maybe \$7,500 or \$8,000. Under the valued policy law, if you have insured your house for \$20,000 or \$30,000 or \$50,000, and it is a

total loss, they have to pay you the face amount of the policy. This applies to house dwellings and structures only. It does not mean contents because here depreciation is involved. In the event there is a fire loss in which fraud is involved, it is always important to call in the adjustor to establish values. This can show the motive of the man or woman who is hoping to make some money on the fire.

§8.15 Proof of guilt

The fourth element is proof of guilt. Here it must be shown that the accused could have had the opportunity (but he did not take advantage of it) to aid in setting a fire that destroyed a structure; that the accused only aided or abetted the real incendiary.

What we have previously mentioned under incendiary origin can be used in this particular section, to the extent that you might have confessions or the testimony of an accomplice. Again, you must corroborate it before you can use such testimony alone.

There may be a false statement by the person upon the first interview. This can often be broken down by showing the accused that he had the opportunity to set the fire. It should be remembered, however, that the opportunity factor can also be used against you by the defense.

The fact that a person set previous fires can be used against him. It is circumstantial, but, nevertheless, good evidence.

§8.16 Kindred crimes--sabotage

There are several kindred crimes to arson. The first is sabotage as arson is one of the favorite tools of a saboteur. Sabotage occurs quickly and usually destroys the evidence. This is demoralizing for it is hard to prove.

There is a wartime sabotage law and a peacetime sabotage law. The jurisdiction for the investigation lies with the Federal Bureau of Investigation.

§8.17--Mail fraud

There may be mail fraud, a violation of the federal law, whereby in setting a place on fire in order to

collect the insurance, the mails are used to submit proof of loss to the adjustor or to the interested insurance company.

§8.18--Murder in perpetration of arson

Death sometimes occurs in the perpetration of arson. Arson is one of the four crimes—along with robbery, burglary, and rape where, if death results, the party may be charged with first-degree murder. Another crime which a person may be charged with is obtaining money under false pretenses. A false claim is sometimes filed after arson has occurred.

§8.19 Juvenile fires--the inquisitive type

From studies which have been made, it appears that the juveniles cause the most fires. We can classify juveniles into three different types: There is the inquisitive type, perhaps like all of us were when we were children.

Fire fascinates children and they like to play with it to see what happens. They probably first realized that it was nothing to play with upon being burned. For example, a five-year old was in the habit of getting up in the morning before his parents, going downstairs into the basement, taking anything that was wood, putting it underneath the hot water tank and applying it to the open flame to see what would happen. He had done this in the past; he was the inquisitive type. However, on one particular morning, we do not know what exactly happened, but his body was later found with four other members of his family, all of whom had perished in the fire. This illustrates the danger of an inquisitive type of juvenile arsonist.

§8.20--Sexually-intrigued type

Secondly, there is the sexually-intrigued juvenile. This is a dangerous person, because he is heading straight for pyromania. Some people do not realize that actual pyromania is very closely connected with sexual maladjustment. For example, an eleven-year old boy intrigued a nine-year old boy into a vacant house and wanted him to take his pants down and then masturbate. The nine-year old

became scared and ran out of the house. The eleven-year old became angry, went upstairs and set fire to one of the closets. In such cases, something needs to be done for this child. If they can be located and treated before they reach the age of puberty, there is a good chance that they can be cured. One method is through the use of hormones under a doctor's care.

§8.21--Destructive and ornery type

The third juvenile type is the child who is destructive and ornery. This type on Halloween, will set fire to bridges, corn stalks, hay mounds, or to schools. Often a boy who knows that he is going to get a poor grade, will set fire to his school in order to destroy the records.

There was one boy who became angry at a lumber company because it needed more space adjacent to the land the boy played on. The land was owned by the company so it built a fence around it. The boy, in anger, set fire to the lumber company. In talking to him afterwards, he related how he had started three or four grass fires because he felt that this was a good way to reduce the weeds in the field so that he could play ball. This is an example of the destructive juvenile type.

§8.22 Spite and revenge arsonists

Spite and revenge fire-setters are another category of arsonists. For example, someone who is living with another man's wife gets jilted. He becomes angry and decides to get even by setting fire to the place.

Another example was of the fellow who became angry at his next-door neighbor. Their homes were very close to one another, so he set fire to his own house, knowing that it would communicate to the neighbor's house. It did, and burned both of them completely down to the ground.

There was a terrible fire in a dwelling house one night. A man who lived there and his aged father just barely escaped injury. In checking the cause of this fire, we found that a woman named Eiser, who, thirty-one years prior to that time, had blamed this man, her brother-in-law, for the death of her sister. She felt that her sister had been

murdered, whereas the newspaper accounts and several detectives who worked on the case at the time, said that the sister was a dope addict and had fallen from a second-story window of a house and had died two days later in a hospital. But Mrs. Eiser always blamed her brother-in-law, and she had waited for revenge for thirty-one years.

There was the case of a Negro who was living in common-law relationship with a woman. They had two illegitimate children. The woman's sister also lived there with two or three illegitimate children. She got tired of Redman, the Negro, left him and started in with someone else. After four or five nights, Redman went back, broke into the basement, and set a fire which took the lives of eight people. When he confessed, we tried to find out why he did this act of arson. He said he just wanted to scare them. In the perpetration of arson, if a death results, a person can be charged with first degree murder. There were eight counts of murder in the indictment brought against Redman. However, in the trial, the jury found him guilty of manslaughter.

Revenge has been used by those other than the lower classes of individuals. There was a county engineer who was disturbed with the county school system because colored children had to go to what he considered an inferior school. He felt that if the school burned down, they would have to build a better school. So he set fire to it.

§8.23 Fraud arsonists

There is one fellow who started eighteen fires in the last twenty years. Those eighteen fires occurred in Florida, Tennessee and Kentucky. He came to Ohio and has been here for about ten years. He owns several pieces of property. We are waiting for him to start a fire. But he has not started one yet... In fraud-fire investigations, invariably one finds that the arsonist has started other fires sometimes in his past.

§8.24 Economic connection to arson

The reader may have heard it said that arson is a good barometer of economic conditions. This is very true. When conditions become poor you are going to have more fraud fires. Shrewd businessmen who have had fires

in the past are very accustomed to adjusters and their methods of operation. One night a large warehouse burned down. Upon investigation, it was discovered that the owners had had previous fires. We obtained the records of this particular company and hired a certified public accountant to check the records. When he had finished, he said, "Look, it is just not here; they can't make any money. The only way they can make money on this fire is if they end up by not rebuilding and instead have a parking lot."

§8.25 As cover-up for crimes--murder

Arson is a favorite cover-up for murder, and other crimes. Arson is a very favorite tool because it destroys the evidence. One case in particular comes to mind. A fellow shot an old man in the back. The victim was an old recluse who was thought to have had a lot of money. After shooting the old man, he dragged him into the house, wrapped his body in a spread, poured kerosene over it, set him on fire and left. He made his mistake by closing the door as he left. This was an old house, well-built and air-tight. There are three elements needed to encourage fire; something that burns, a point of ignition, and oxygen. If one of those elements is taken away, the fire will go out.

The old man was burned very badly. But he fell into a partial basement, and the fire went out. An autopsy was performed. Eighty-seven gun shot pellets were found in the old man's torso. It took some investigation on the part of the sheriff and the state arson bureau to come up with the suspect. After he was confronted with the facts, he admitted that he had been there and had shot the old man.

There was the case of the boy who shot his father and strangled his foster mother. He placed their bodies in an automobile, drove into the country, went off the road, poured gasoline all over the car and set it on fire. In so doing, he burned himself slightly. He received a great amount of sympathy and was in a hospital for a couple of days.

Because a deputy sheriff could not accept the boy's story of how he went off the road, the deputy began to re-check the scene. The boy's story was that his mother

had had a case of indigestion or a heart attack and they were rushing her to a hospital. He was driving and he lost control.

The bodies were exhumed. A noted pathologist worked on the case and arrived at the fact that in spite of the burning, the woman had been choked. Then, of course, he discovered gunshot pellets in the man.

§8. 26--Embezzlement

Arson is also used on occasion to cover the crime of embezzlement. A farm implement branch store was being investigated by the Internal Revenue Service. The owner kept insisting that the branch manager produce the records, for the owner had nothing to hide from the federal government. The manager of that particular branch apparently did have something to hide for a fire resulted. Naturally all that was destroyed were the records.

§8. 27--Burglaries

In a small Ohio town some boys were using arson to further their crime spree of burglaries. They did not just commit a burglary and then set fire to the building. Instead, they went to one end of town and set two or three fires. While the townsfolk were occupied, these boys committed burglaries at the other end of town.

§8. 28 Pyromaniacs

A mentally unbalanced person, such as a pyromaniac, is a special case. Pyromaniac is a term that is frequently misused. A pyromaniac sets a fire without any rhyme or reason. He is a monomaniac whose obsession centers around fires, such as the kleptomaniac's obsession centers around the fact that he has to steal something.

§8. 29--Robert Segee

One of the most noted pyromaniacs in the state of Ohio was Robert Segee. Segee set some barn fires and fled to St. Louis. He was brought back to Ohio. He admitted committing three murders and it was also felt that he had committed some others, but this could never be

proved. We also thought he was connected with the infamous Hartford Circus fire that occurred in 1949. Segee learned his fire-setting early. He was another boy who was sexually maladjusted. We thought that he might have murdered Mona McBride since he admitted to a relationship with the carnival queen. He also told how his father had caught him masturbating when he was a small child and burned his fingers as a punishment. Fire just centered around Segee. He dreamed of it. We had him sit down and draw pictures. He drew pictures of fire.

§8. 30--Female arsonist

In pyromania, it seems that the males are more predominant than the females. In one case, a female was involved. She was a nun. There were a series of small fires at a Catholic rest home. It just had to be this one Sister. Finally she was interviewed and she confessed.

§8. 31--Relation to sexual maladjustment

A fellow came to Columbus, Ohio, with three very beautiful teenage girls who were selling magazine subscriptions for him. He checked into a low-class hotel. Several fires occurred there the first and second night. The next night a surveillance was made and this fellow was caught going into the women's rest room, where he was masturbating into a waste basket filled with paper which he had set on fire.

In talking to the three girls that worked for him, they said he had never made any improper advances towards any of them. He satisfied himself in this abnormal way.

§8. 32 Subpoena power of fire marshal

When there are a series of fires, it is wise to look for a pyromaniac. Usually they will remain in the crowd enjoying themselves by watching the fire.

There was a woolen mill at Dresden, Ohio, which had been definitely set on fire. Somebody had poured gasoline down the steps and out the back door. When the owners were subpoenaed to a fire marshal's hearing, as provided

by law, their attorney would not permit them to take an oath nor would he permit them to say anything. They were found guilty of contempt by a common pleas court. It was appealed to an appellate court and then to the Supreme Court of Ohio. It was upheld by a unanimous decision. It was then reappealed to the United States Supreme Court which held five to four that the fire marshal did have the power to subpoena.

§8.33 Arson detection by firemen

We must rely on firemen for arson detection, because they are usually the second or third party to arrive at a fire. They can tell you how they gained entrance to it, whether the place was boarded up, where the fire was coming from, the color of the smoke, how rapidly the building burned, and any unusual circumstances. Policemen can usually do the same thing.

§8.34 Arson prevention

An Alabama resident talking at Purdue Arson School several years ago discussed arson prevention. He gave the following example which will serve as an appropriate conclusion. In a small town, a fellow came in and set up a business. He had had a fire record in the past for several fraud fires. On the second day he was open for business, the fire department came there with sirens blaring. The police also arrived. The firemen laid the hoses right into the building. The fellow was quite astounded. He looked around, saw the fire chief, and said, "What is the reason you are here? We have not had any fire."

The chief said, "That's right. It took us only two minutes to get here, and though you have had no fire yet, when you do, we will be all set for you."

This Alabamian said, "That is what we call arson prevention down in Birmingham, Alabama."

Chapter 9
Responsibility and Procedures of the
Police in Homicide Investigations
by
David E. Kerr

Section

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§9.1 Introduction

The modern murder mystery has popularized the exploits of the laboratory worker in crime detection. With only such small items as a hair from the criminal's head, a splinter of glass from his spectacles or an imprint of his tire in the mud, the man in the white coat will come up with the guilty man's age, his favorite TV program and whether he likes his breakfast eggs boiled or fried. Actually, scientific criminologists do as well or better than their popularized counterparts. They can tell by a determination of the carbon monoxide in the blood whether a victim was dead before the fire or whether he perished in the flames. By the use of the spectroscope, small particles of dirt scraped from under the victim's fingernails can reveal countless bits of information, all valuable to a homicide investigation. Experts with their special training can recognize clues which would have no meaning to the average person.

§9.2 Limitation on scientific investigation

But, there are crucial details which these tests and instruments cannot reveal. For example who and where is the guilty party? It is one thing to know that the murderer's blood type is "A", but it is something else to find him. This is the function of the trained police investigator. Crime fiction writers may not find them glamorous or spectacular, but with a different set of tricks they are just as clever in getting results as the white-coated scientists. It might be noted that laboratory experts are only as good as the evidence they have to work with, and the responsibility for obtaining this evidence primarily rests on the shoulders of the police.

§9.3 Divided authority for homicide investigation

The investigation for and the preservation of physical evidence at the scene of a homicide requires a great amount of time-consuming care and attention to detail.

In some states there is divided responsibility for the investigation of a homicide. Where the investigation pertains directly to the body of the deceased, the medical examiner, or coroner, has the responsibility, while police investigators are responsible only for the examination of the surrounding environment. There can be no absolute line of demarcation between these two responsibilities, since important medical evidence may be found several yards or even several miles from the actual physical location of the body. Cooperation between these two investigative classifications must therefore be of the closest possible type, and a fundamental understanding by each of the problems of the other is the only means by which an investigation may be brought to a successful conclusion, either resulting in an arrest for a criminal death or proof of death by natural cause.

§9. 4 Cooperation between coroner and homicide unit

In Ohio this system of divided responsibility prevails. A coroner or his representative is present at every homicide investigation. In this manner the closest possible cooperation is maintained between the coroner's office and the police department investigators. In Cleveland, members of the homicide unit actually function as ex-officio deputy coroners. On the basis of their prior experience and training, these detectives are able not only to recognize valuable physical evidence found in the vicinity, but also to note certain medical clues and call these to the attention of the coroner. In an actual investigation, if a member of the homicide unit feels that any medico-legal evidence might be damaged, altered or destroyed during the removal of a body from the scene, he immediately calls the coroner, who comes directly to the scene and makes an on-the-spot medical examination.

§9. 5 General rules of investigation procedure

There is no fault more common, nor one more disastrous than a careless and thoughtless searching for evidence by either the police or medical authorities. Should the body be disturbed before an examination has been made,

certain valuable evidence relating to the cause and manner of death, together with the possible solution of the crime, may be destroyed. It is therefore essential that in any well-conducted investigation a definite line of procedure be followed. General rules for procedure should be set up in advance and should be memorized and practiced religiously until they have become second nature to the investigator. Inasmuch as no two crimes are identical in every detail, these general rules for procedure must be pliable enough so that they can be modified as the occasion demands.

§9.6--Securing the scene

There are certain fundamental police practices which must be followed by those arriving first on the scene. Of foremost importance is that the scene be secured. This means that uniformed officers must be stationed at reasonable and convenient distances so that they can adequately protect the scene of the crime while keeping all points under observation. The reason for this procedure is to keep all unauthorized persons, such as newspaper reporters and photographers, curiosity seekers and the like away from the scene. These officers and any others not directly concerned with the investigation should talk with potential witnesses, and after obtaining their names and addresses should ask them to remain for further questioning.

§9.7--Photographs and search for prints

Before any actual invasion of the scene of the crime is made, photographs should be obtained from the outer perimeter, and a search made for fingerprints, footprints, tire tracks and other clues. This should be done under the direction of the investigating officers so that no item of physical evidence will be destroyed in the process of obtaining another. As the investigators and photographer move from the outer perimeter of the scene toward the body of the deceased, it is good practice for the fingerprint experts and ballistics experts to make their examinations of the area which has just been photographed. Others may follow, always being careful not to precede the photographer or fingerprint expert.

§9.8--Small investigating group

The actual investigating group should be numerically as small as conditions allow. It has been found in Cleveland that after the scene has been secured and photographed, two homicide men form the best and most efficient team. These men, with their co-ordinated training and experience from countless other homicide investigations, go about their work with a minimum amount of confusion, methodically examining all possible clues on or about the body, retaining or discarding them, until every inch of the crime scene has been covered.

§9.9--System of searching

Generally, a good police practice involves a system of searching wherein the investigators proceed from left to right, converging on the body in spiral fashion. Before proceeding from one examination point to another, the area above and below should not be overlooked, since frequently important evidence may be found on the ceiling or in overhanging branches high above the scene. When the area surrounding the body has been adequately photographed, fingerprinted, and examined, attention should then be directed to the body of the deceased. Closeup photographs should be taken which will illustrate in detail the exact position of the body when discovered, as well as the style and condition of the clothing--powder burns, stains, wounds and other marks. These closeup photographs should also show the location of any extraneous bits of evidence which are lying on or about the body, the exact importance of which may not be known until later.

§9.10--Examination of the body

An examination of the body should then follow, with special emphasis on a search for fragile traces of evidence which might easily be damaged or lost before a more exhaustive examination can be made of them by the proper medical authorities. Such items as dust, small thread, strands of hair and scrapings from under the fingernails of the deceased would fall into this classification.

These substances should be preserved in small cardboard containers or bottles which should be kept available in every investigation.

§9.11--Written account of investigation

A written running account of the entire investigation should be made by one of the officers. Special note should be made of the exact location of the body in relation to certain stationary objects in the vicinity, as well as the exact location of bits of evidence and their relative position to the body. Such a description is necessary since as soon as possible after completion of the investigation a sketch will have to be made of the crime scene, showing all reference items in their relative positions and drawn exactly to scale. A chart such as this is an integral part of any proper homicide investigation, and together with photographs will later be presented in court to clarify positions and distances in the minds of the judge and jury.

§9.12--Removal of the body

After all of these procedures have been completed, the body may then be touched. But before it is actually removed from the scene, it must be turned over and an examination made of the underside. Photographs should be taken of this view, and after examining any clues found there, the body should then be removed to the mortuary. It is also good policy to obtain a sample of the grass or other material from under the body and preserve this for later examination.

§9.13--Determining location of killing

The place where the body is found is not necessarily the scene where the crime took place; the person may have been murdered several yards or several miles away. It is particularly important in cases of this type to locate all physical evidence, such as tire tracks, cigarette butts and the like, because it is from evidence of this nature that the exact location of the killing may be discovered.

§9. 14--Examination of body and clothing at morgue

After the scene has been thoroughly examined and photographed, the body is removed to the morgue where a more complete medico-legal examination is made by the coroner, whose findings reveal additional evidence valuable in the solution of the crime. The police investigation must also be continued at the morgue, and it is there that a more complete check can be made of clothing labels and other identifying features on or about the person of the victim such as tattoos and scars.

Personal papers, weapons and other contents of the victim's pockets are also examined for clues, not only to assist in the identification of the body, but also for a possible indication as to the party responsible for his death.

§9. 15 Preservation of the evidence

All evidence is of importance to both the coroner and the police. It is the coroner's responsibility to preserve evidence in its original state because it may assist in the determination of the manner of death, which in turn may determine whether the death was criminal, accidental or resulted from natural causes. The findings of the medical examination are important to the police, for it will then be determined whether or not the investigation will be continued. Should the coroner advise that the death was a homicide, physical evidence obtained at the scene is of further importance to the police for two reasons; first, it may help locate and apprehend the guilty party, and second, after he is apprehended, the evidence may be used for presentation in court at the time of his trial. It can, therefore, be seen why it is of great importance not to overlook any evidence at the scene, and it is equally important to see that this evidence is preserved in its natural state, excluding foreign material which might be likely to change or alter the results obtained. It is for this reason that all of the Cleveland homicide unit officers have available for each investigation several cardboard boxes, small bottles, clean envelopes and other necessary containers.

§9. 16 Identification of the evidence

Of further importance concerning the collection and preservation of evidence is that once it has been packaged, it should be sealed and tagged. Tagging of such evidence serves several purposes, the most important being to maintain the legal chain of evidence, to notify the coroner what the item is and to show its connection with the investigation.

§9. 17 Photographs

Possibly the most valuable evidence is the series of photographs taken at the scene of the crime. It is this series of photographs which will have to be depended upon to depict graphically the nature of the scene of the crime, the relative position of the body and other pertinent evidence. Without these photographs it would be impossible to form the same picture in the individual minds of twelve jurors. Therefore, a complete set of photographs are insisted upon at each homicide investigation.

§9. 18--Reproducing the scene unchanged

It should be remembered that since photographs can only be taken once, the services of a capable photographer are of the greatest importance. The investigator should stay with the photographer, directing the composition of each exposure. They should keep in mind that care must be taken not to disturb any physical evidence. An object must never be picked up prior to its being photographed, because it can never be returned to exactly the same location or position, and its value as a positive clue will therefore be reduced substantially.

§9. 19--Achieving the proper perspective

There are certain definite rules which have been developed concerning the use of photographs as good evidence. The importance of photographing the scene exactly as it was discovered, with nothing disturbed or moved has been noted previously. Nothing should ever be added to or subtracted from a photograph. It is also important that

photographs should not be distorted by unusual perspectives; they should be as nearly as possible true representations of the scene as a normal individual would see it with the naked eye. Retouching the negatives completely negates the admissibility of a photograph in our courts of law, and of course should not be attempted. Photographs of the scene should be taken under conditions as nearly identical to those that existed at the time the crime occurred or when the body was discovered; it can be understood that if the crime occurred in the middle of July and photographs were taken six months later in the winter, the representation of an outdoor scene would be entirely changed. Similarly, the time of day should also be considered, and an effort made to take the photographs at about the same time the crime occurred.

§9.20 Role of scientific criminologist

All of the painstaking effort made during every investigation is made with one or two purposes in mind—to ascertain the true facts and circumstances and to apprehend and convict the party responsible. Without the assistance received from the scientific criminologists, it would be impossible in many instances to convict the party guilty of a crime. Scientists give the police leads and check their findings, and the cooperation of both groups produces results. There is probably only one instance where an arrest can be made and sustained on scientific evidence alone. This evidence is a properly identified latent fingerprint. Otherwise the police cannot do the job alone; neither can the scientists. Along with the microscope and the x-ray, much leg work is needed—leg work with brains behind it. As has been said many times before, it is fine to know how to make rabbit stew, but first you have to have a rabbit. The job of the police is to catch the rabbit.

§9.21 Some recent investigations

The above description of the procedures to be followed in the investigation of a homicide represents an ideal, a goal to strive for. Obviously, such an ideal cannot always be accomplished. Using the Cleveland police depart-

ment homicide unit as an example of what can be accomplished by any department with some effort, cooperation and intelligent use of the available scientific aids and expert advice from people active in the medico-legal field, I will attempt to present some instructive information by detailing how this unit operated in connection with the coroner and his staff in the solution of two homicides which did not present circumstances conducive to an ideal investigation and which at first appeared hopeless.

§9.22 Cleveland homicide unit

The Cleveland homicide unit consists of one captain, in command; one sergeant; and nineteen detectives. All are trained in the investigation of homicides. The homicide unit is one of the six units of the detective bureau in the Cleveland police department. This bureau is under the supervision of a detective inspector, who in turn is responsible to the chief of police. The unit's personnel is divided into teams working around the clock on eight-hour shifts, subject to change if the occasion demands.

In 1952, the unit investigated 105 homicides, solved 104 homicides, and investigated 657 crimes of violence. The unit does not investigate traffic deaths, as this is done by a separate unit in the traffic division.

In 1953, the unit investigated 95 homicides, solved 94 homicides, and investigated 756 crimes of violence. In addition to the investigation of the crimes of homicide and violence, the unit also conducts investigations into all sudden and unexpected deaths and deaths in which a physician was not in attendance. This is done in connection with the county coroner.

From 1947 to January 1, 1954, 629 homicides were committed, 21 remaining unsolved.

§9.23 Tailor murder case

The following chronicle will illustrate procedures used in the homicide unit: I received a telephone call from the radio dispatching room informing me that a man who appeared to be dead had been found in the rear of his tailor shop. I immediately alerted two homicide teams. As we

were driving to the scene, we noticed that a light rain was falling. When we arrived at the tailor shop, the police were already there and the place had been secured so that no outsiders might interfere with the investigation or destroy or damage any evidence which might have been available.

There were numerous police inside conducting their own phase of police work. Very often they are the first officers to arrive. They should confine themselves mostly to seeing that not a thing on the premises—in this case the tailor shop—is touched. Too often a uniformed officer is apt to forget this important rule. Unnecessary personnel were cleared out in order to facilitate an intelligent investigation. At this point, those responsible for the investigation might make a fatal mistake, i.e., come to the conclusion, "What's the use, all of the evidence must be destroyed by now." It is a common saying that there is always some evidence present in some form, and finding it reflects the ability of the investigator.

As we walked by a partition, we observed a body lying on the floor with an old overcoat thrown over the upper portion of the body. Directly to our right, we noticed a flat-iron near the left leg of a stove as well as many other misplaced articles. A large roll of wrapping paper with spots on it was observed; these spots were red and had the appearance of blood.

§9.24--Determining cause of death

The coat was removed from the body and we found a male with a large amount of blood around his face, mouth and head, a definite indication that there had been a violent struggle prior to his death. Frequently, false conclusions are reached by inexperienced investigators and medical men who do not have the proper training in the investigative and medico-legal field. In this particular case, snap judgment was made by the police and newspapers that the tailor had died from a beating with the flat-iron. However, determining the cause of death is the responsibility of the coroner and no one else, and we learned within a short time via a telephone conversation with the coroner's office that there was a bullet hole in the body. From the location of the bullet hole on the victim's clothing it could be deduced that

the bullet was very close or near to the heart. Further examination indicated the gun was fired from a close range. The coroner also informed us that there was no evidence of blood on the flat-iron, that from his examination of the wounds on the head, he was positive the iron was not used, and that he was of the opinion that the wounds were caused by the butt of a gun or some similar object.

§9.25--Search of the premises

An immediate search of the premises was made and a hat was found, the only garment or object in the tailor shop that had any indication of being wet. It had a few spattered rain drops on it, justifying the conclusion that whoever had committed the homicide had been in the rain only a very short time. This gave us our first clue. We were extremely disappointed that the owner failed to leave his name and address in the hat, as has happened in many other cases, for examination failed to reveal any marks whatsoever, not even the size.

§9.26--Neighborhood check

Men were assigned to check the immediate vicinity of the crime for information regarding the recent appearance of suspicious persons or the possible identity of any witnesses to this crime. They were also to check all autos in the locality, since there was the possibility that the guilty party or parties could have had trouble with his car in escaping and had thus left it at the scene. This routine investigation was made, and an automobile was found with a warm radiator. Furthermore, it was parked at the entrance to a garage and in a no-parking area. This led to the conclusion that it was quite possible that the individual responsible for this crime could have used this car. Homicide men were immediately assigned to ascertain the ownership of the car as another possible lead in the case.

§9.27--Shoe print

On further search, a short distance from the car, we noticed a newly erected fence which had recently been painted. We observed that two of the pickets on the extreme

left had recently been pushed apart. Examination of these pickets showed a large smudge of some tar-like or greasy substance on the edges. These marks appeared to have just been made. On the other side of the fence, we observed a shoe print in the soft earth, containing freshly broken twigs. There was no doubt it was made a very short time before. Closer examination revealed a unique type of marking on the sides of the sole and heel. There were a number of fine grooves on the sides of both the sole and heel, giving the appearance of an extremely thick sole and heel. There is no doubt that this print was a valuable piece of evidence, if the individual who jumped from the fence was the party wanted in the homicide, since a positive identification of the shoe could be made. A cast of the prints was made, and samples of dirt with the greasy material on the fence pickets were taken for scientific study.

§9.28--Tracing the car

The men assigned to trace the car found it to be listed to a young lady. Upon questioning her, we learned that her boyfriend had borrowed the car the night before and that he was employed in a railroad roundhouse. At this point, we knew he was a good suspect since the shoe print found near the crime could be made by the type of shoe worn by a person employed in a roundhouse. His address was obtained and a short time later investigators drove to his house. He answered the door. It was now five hours after the homicide was committed.

He was nonchalant and had a cold can of beer in his hand. There were four or five recently made scratch marks on his face. When we asked him how he happened to obtain the cuts on his face, he replied that he had recently shaved with a bad razor. It is unusual for a man to shave the lower part of his forehead, the lobes of his ears, the skin between his eyes and the sides of his nose, but we let him believe that we accepted his explanation and started a search of his home.

One of the homicide men went into the bedroom and found a shoe under the bed. More searching disclosed the other shoe. We asked him who owned the shoes, and he stated that they belonged to his brother. "Well," we

stated, "just for fun, let's try them on." He tried them on and they fit exceptionally well. It was easy to see who owned the shoes. We later learned he had no brother.

§9.29--Examination of suspect's clothing

We then made a very thorough examination of this suspect, and in pulling up his pants legs found some red blotches on one of his socks which appeared to be blood. The socks were submitted to the coroner's office for examination. Further examination of the suspect revealed a number of recent bruises and contusions on his legs and hands.

He was taken to central station and in the office of the homicide unit was allowed to tell his story regarding his activities for the past twenty-four hours. It was packed with lies. After he told his story, he was confronted with facts which we had obtained in our investigation and other scientific evidence furnished by the coroner. The hat found in the tailor shop fit him. He had possession of the car which was parked at a sufficient distance to enable him to get the hat spotted with rain. The size of the sole was just right to spread fence pickets. Grease on the sole of his shoe was similar to the grease on the picket fence. Dirt found between the sole and heel was the same type as that found by the shoe print in the soft earth. Marks on the side of the sole and heel matched the print in the vicinity of the crime. The blood on the socks was the same type as that of the victim. He was unable to explain the bruises on his knees and legs and the scratches on his hand. The marks on his face, ears, nose and forehead were not razor cuts, but were scratches. He made a confession, stating that he had planned to rob the tailor, but the victim put up a terrific fight, attempting to save sixty-three dollars.

He pleaded guilty and was granted mercy by a three-judge court. He was sentenced to life in prison.

§9.30 Dump murder case

In some investigations important evidence may be found miles away. Here is an illustrative case. A member of the homicide unit responded to a call that a dead body

had been found in a dump on the east side of the city. The victim was a female, and the coroner informed us that death was due to a fractured skull caused by a blow with a blunt instrument. Examination of her clothing failed to reveal her identity. A check with the missing persons unit gave us the first clue, and her home, eight miles away from the dump, was located; the missing-person report had been made by a friend.

§9. 31--Search of victim's address

A routine investigation of her address revealed that she lived with relatives. When these relatives were questioned, they stated that it was not unusual for the deceased to stay away for a week or so and that was the reason they had made no missing-person report. Furthermore, they could not advance any reason for the murder. A thorough search was made of the home, and in the garage a car was found that had all the evidence necessary to break the case. Examination showed that the car had been given a quick washing, and whoever washed it had failed to use a cloth over the entire surface. A closer examination was made of the unwashed surfaces and numerous dark brown spots were visible, as was a large brown blotch with some string-like material in it. Further examination with a glass gave the impression that it could be a piece of human hair.

§9. 32--Analysis of blood and hair

The coroner was called, since it is important that one should call for an expert in evidence of this type. He collected all the samples needed. The unit was later notified by the coroner that the brown spots and blotches were blood of the same type as that of the victim. Furthermore, a large piece of human hair was found in the blotch which proved to be identical with the hair of the deceased. This led to further questioning of the owner of the car, a relative of the deceased. A confession was obtained which also implicated another relative in the crime. The motive was collection of insurance money.

§9.33 Conclusion

These two cases are not exceptional cases; the investigations involved were routine in the homicide unit. Such results can be obtained by any department if the personnel will put to use the training they receive and remember that there is no magic formula for cracking murder cases, except hard work, lots of foot-work, attention to detail, full use of scientific aids, a wide knowledge of human nature and plenty of patience.

Chapter 10

Investigation of the Homicide Scene

by
David E. Kerr

Section

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§10.1 Ten fallacies of homicide investigation

There are ten popular fallacies which have developed regarding homicide investigations. You might have heard about them or read about them. They are certainly not original, and they are not mine.

They are these:

1. **MURDER WILL OUT.** It is surprising how many people accept this fallacy as true. Actually, we have thousands and thousands of unsolved murders. There is no doubt in my mind that people can be murdered and buried every single day of the year without the police having any knowledge of these crimes.

2. **PHOTOGRAPHS NEVER LIE.** We should all know that this statement is not true. With our modern photographic equipment, with different types of lenses, the wide angle lens, the telephoto lens, a photographer can depict anything he wants to with his camera.

3. **CLAIRVOYANTS, FORTUNE TELLERS, AND MEDIUMS CAN GIVE VALUABLE INFORMATION WITH RESPECT TO A MURDER.** It is surprising how many seemingly intelligent people are willing to submit to this fallacy. For example, during a murder investigation in Cleveland, a high ranking police official, on the advice of a fortune teller, actually sent a lieutenant and two detectives into the country to seek the identity of the murderer from the first farmer they encountered plowing a field with a shepherd dog running behind him.

4. **A DROWNING PERSON GOES DOWN TWICE AND THEN STAYS DOWN.** This seems to be positively believed by most people. It is absolutely untrue. It depends upon the physical resistance of the person who is drowning and also the temperature of the water.

5. **THE MURDERER ALWAYS RETURNS TO THE SCENE OF THE CRIME.** Such an event almost never happens. It would be a waste of time to detail officers to remain at the scene of the crime with such a prospect in view.

6. **A DEAD BODY MAY BE QUICKLY DESTROYED BY BURYING IN QUICKLIME.** Actually, and I am sure scientists will agree, such a burial will have a tendency to preserve rather than destroy the body.

7. EXPRESSIONS OF SURPRISE, FEAR, OR OTHER VIOLENT EMOTION WILL BE FIXED ON THE VICTIM'S FACE. This is actually untrue except in cases of electrocution after which a particular expression does remain on the face.

8. THE IMAGE OF THE MURDERER IS PERMANENTLY FIXED IN THE EYES OF THE DECEASED. Many murderers accept this statement as true and as a result give themselves up to the police. There is, however, absolutely no truth in it.

9. THE HAIR AND NAILS ON A DEAD BODY CONTINUE TO GROW AFTER DEATH. After a person is dead nothing grows, although the body does shrink, giving a false impression that there is some growth to the nails and hair.

10. A GUNSHOT WOUND THROUGH THE HEART CAUSES INSTANT DEATH. Another absolute fallacy. If you read any true stories of the old sheriffs and marshals in the West, you will find cases where they were shot two and three times in the heart and still went back to their saddle bag, got a revolver or a shotgun or pistol and killed their assailant before they themselves dropped dead.

§10.2 Science and practical investigation; a case study

I want to stress the fact that science alone does not solve a crime. Lately, many investigators have placed emphasis on the scientific rather than the practical aspects of investigation. Both, of course, are important. But do not forget that science itself does not solve the crime; it merely assists in the solution.

I would like to point out how both science and practical investigation worked together to solve a crime which occurred recently in Cleveland, Ohio.

On the evening of October 9, 1955, a body was found by a mushroom picker in Brookside Park, on the far west side of the city of Cleveland. The body was covered with leaves, dressed only in a brassiere and a pair of panties. A note was found underneath the body.

The note was taken to the lab where it was dried and studied under ultra-violet light. We could distinguish the words "Helen Carlin" and what looked like "Catch boys."

About six or seven inches from the note a pencil was found pushed into the dirt. It was evident that whoever put this body there wanted the police to believe that this particular deceased person had printed the note, died, and then covered herself up with leaves or covered herself up with leaves and then died.

§10.3--Study of body at morgue

We studied the body at the morgue after the leaves had been removed. In addition to the medical examination made at the morgue, a practical examination of the body should be made by the police officer. For example, by examining the fingernails, the wrists, and the heels much valuable information concerning the type of person involved can be obtained. In this particular case the soles of the feet were dirty and also the fingernails and wrists and hands—all of which suggested a person from the lowest class of society.

§10.4--Examination and tracing of clothing

Visual identification of the particular body was impossible because the maggots and bugs had destroyed the facial characteristics. Nevertheless, a study of these maggots and bugs by the scientists at the coroner's office was valuable in determining the time of death.

In this particular case, however, identification of the body was made as a result of practical investigation. We took the brassiere to a department store and from information obtained there were able to trace it to where it was manufactured, its type and price, and where the main outlets for its distribution were located. It was a very cheap brassiere manufactured in Hamden, Kentucky. It was distributed through bargain type stores: Kresge's, Woolworth's and stores of that type. The main retail outlets for this particular garment were Cleveland, Buffalo, Detroit and Altoona, Pennsylvania.

We studied the stockings and garters. Although the body was found among leaves, twigs, and bushes, there were actually no tears in the stockings. There were only a few holes in the stockings occasioned by wear. The practical investigator must, therefore, come to the conclusion

that the deceased was not forced or dragged to this particular spot. If she were, of course, there would have been numerous tears vertically along the stockings. In addition, the stockings were sixty gauge, the cheapest type that can be bought. The panties were well worn and were full of holes, of a very cheap grade of material. The only identification on these panties was the size marking.

Practical investigation, therefore, indicated that this person was from the lowest strata of society and that it would be a waste of time tracing out a lot of missing person reports not falling within this category.

If enough personnel are available it is always a good idea to make a thorough search of the area wherein the body was found. I have been in charge of many searches and although we seldom discover anything of real value the possibility is always present.

The absence of scratches on this body as well as the absence of tears on the garments indicated that the deceased must have gone to this particular location willingly and was killed after she had reached this location. Whoever killed her had apparently removed the outer garments so that she could not be identified. It was also evident that the guilty party must have printed the note himself and had left the pencil nearby in order to mislead the investigators.

Although the body had been dead for more than a week, fingerprints were taken through a special process developed by the coroner's office. These prints were sent to the office of the unknown dead in Washington but there was no record of them on file. It seemed like this was the last chance of making a positive identification.

§10.5--Post card from murderer

However, it so happened that about a week or so after the body was found, someone sent me a post card from Windsor, Ontario. The writer was attempting to mislead the investigation but what he was actually doing was writing his way into the penitentiary for life.

We had given this murder a great deal of publicity, yet when we checked with the Windsor police we found that none of the publicity had reached the Windsor papers. We reasoned that as the writer of the post card could not

have learned of the murder from the Windsor papers, his knowledge of it might stem from the fact that he was himself the murderer. Besides he would have no reason in the world to mail us these post cards if he were not the murderer.

§10.6--Search of hotel room

During the publicity a clerk at the Statler Hotel in Cleveland phoned us and mentioned the fact that a man about sixty-five years of age had previously registered at the hotel with a young girl. As the coroner had already informed us that the deceased was a person somewhere between seventeen and nineteen years of age we immediately went to the hotel and confiscated the registration card for a later handwriting comparison, as well as a suitcase which the couple had left there.

The suitcase contained both men's and women's clothing as well as a newspaper from Altoona, Pennsylvania and a coat with an Altoona label. It will be recalled that there was a retail outlet for the deceased's brassiere in Altoona. The suitcase also contained a claim check from a pressing shop located opposite the Fort Pitt Hotel in Pittsburgh. We also found a piece of a Mail Pouch chewing tobacco bag and an application for donating blood to the Red Cross. On the reverse side of the application was some valuable information: "Received from Louis Statler \$40 on July the 6th, balance \$6." The bag also contained a note: "My darling Ed, I will be back shortly. Your loving wife, Pam."

In the meantime a dental chart was obtained from the coroner. It showed that the victim had very bad teeth, many of them missing, and the rest in need of dental work.

§10.7--Fingerprint identification of victim

We telephoned the Altoona police department, giving them a description of Mr. and Mrs. Riche, the name used on the registration card, as well as information concerning the contents of the suitcase, the condition of the victim's teeth, the type of chewing tobacco used by the man and the use of the name "Pam" by the girl.

The Altoona police informed us that the dead person was one Gloria Ann Ferry, seventeen years of age,

who had jumped her bond as she was coming to trial on a case of delinquency. They also sent us her fingerprints from their files. A comparison of the prints positively identified the victim.

It should here be noted that the FBI is not at fault for failing to identify these prints for the simple reason that the FBI had no record of them. In many states, including Ohio and Pennsylvania, the police are not permitted to fingerprint an individual under the age of eighteen. Yet this rule is violated in every state. In this particular case the Altoona police had taken the girl's fingerprints for their own information and had never forwarded them to the FBI. It might be best if there were a federal law requiring everyone to be fingerprinted after reaching a certain age.

The Altoona police informed us that Gloria Ann Ferry had left Altoona for Pittsburgh accompanied by Louis Statler, a man sixty-eight years of age. He had a record for statutory rape and for contributing to the delinquency of a minor. He was also involved in the particular case in which Gloria Ann Ferry was being tried at the time she jumped her bond.

§10.8--Positive identification by relatives

Before going to court it is best to have an identification of the victim other than that made by fingerprints. It is always best to have an individual from the family or close to the family testify that the person in question had left home on such and such a date or that they had seen the person in question on such and such a date and that the person was alive. For this reason we brought the victim's mother and two sisters to Cleveland.

The mother and the two sisters positively identified the dress, belt and shoes which were found in the suitcase at the Statler Hotel as those belonging to the victim. In this particular case a very unusual identification was also made. Both the sisters and the mother positively identified some knots tied in the brassiere as the type of knots that Gloria had used in order to shorten her brassiere. It was a very unusual identification and it was very valuable when we went to court.

§10.9--Search for the suspect

We obtained the fingerprints of Statler and, of course, sent out a national alarm for him and obtained an FBI fugitive warrant. The FBI really does an excellent job in fugitive work. There are four or five categories of crime which come under the jurisdiction of the FBI and under which the FBI will do a first rate job after a flight warrant has been obtained. They have men all over the United States, almost all over the world, and they can greatly assist the police officer in apprehending and arresting a fugitive if the particular crime involved falls within the category under which they operate.

During the course of the investigation one of Gloria Ferry's sisters received a letter from Riverside, California, addressed to her in Altoona, Pennsylvania. Some comments concerning Riverside, California, are necessary at this point. There are more people who re-mail letters located in the vicinity of Riverside, California, than in any other place in the United States. Their ads appear frequently in the cheaper magazines and the love-lorn magazines.

The letter to the sister was from Statler, the man we wanted for first degree murder. It said, "I regret to inform you that I am happily married to a widow twenty-seven years old, has her own home." The letter went on to explain how he, Statler, knew nothing about Gloria; he had left her in Pittsburgh. This, we knew, was absolutely untrue for he had been identified through photographs as having been with her at the Statler Hotel in Cleveland.

By contacting the police department in Riverside, California, we learned that the letter had been sent from Chicago to be remailed in Riverside. At the same time one of the newspapers in Altoona, Pennsylvania, also received a letter, this one from Gary, Indiana, just outside Chicago. This particular letter purported to be a confession to the murder implicating someone other than Statler.

§10.10--Arrest of suspect

Statler was finally arrested in Chicago by the FBI through a lead given by an insurance company. Statler held a group insurance policy and when he became desperate for

funds, he wrote to his insurance company's headquarters in New York city. Because we had previously contacted the insurance company, they immediately notified us as well as the FBI, and Statler was picked up by a detail at the General Delivery office in Chicago. He was returned to Cleveland.

Statler denied that he knew Gloria Ann Ferry and even denied that he was in fact Statler. After he was fingerprinted, however, he admitted that he was Statler, but he still insisted that he did not know what had happened to Gloria Ann Ferry. He stuck to his original story that she had disappeared in Pittsburgh.

§10. 11--Handwriting comparisons

It turned out that Statler had also mailed a post card to his adopted son from Windsor, Ontario, at the same time he had mailed one of the cards to me. He admitted that it was his handwriting on the card to his son. This was a very important admission as far as our case was concerned, for it truly linked him to the murder. Our handwriting expert compared the postcards. Even the ordinary individual could see the similarity between the "A" and the "S" and so on.

Statler afforded us other comparisons right from the county jail. He wrote a letter to Governor Lausche which he signed with someone else's name and in which he stated that Statler was not guilty. There were twenty-three positive identifications of Statler's writing made from this letter to Governor Lausche. He wrote another phony confession to a Mrs. Stone. There were over twenty-five writing characteristics in this letter similar to those in writings he had previously made. This case, I believe, is one of the very few cases in which handwriting and printing played a paramount role in the conviction for a homicide.

§10. 12--Conviction of murderer

Statler was found guilty by three judges, and because of his age, he was sent to the penitentiary for life. The judges told me that had he been younger, they would have sent him to the electric chair.

It can be seen from the investigation of this case

that although a great deal can be done scientifically in the investigation of a criminal case, the scientific analysis is dependent upon the work of the practical investigator. If the investigator does not obtain the information, the scientist can do nothing. When the scientist and the practical investigator work together results can be obtained.

§10.13 Turnpike murders

There are even some cases which might have been solved more quickly if the police had not gone overboard scientifically. You might recall the case referred to as the "Turnpike Murders."

On July 23, 1953, Lester Woodward, a truck driver, pulled his tractor and trailer to the side of the Pennsylvania Turnpike in order to get a short rest. The following morning he was found dead in his tractor—shot through the head. Investigation disclosed that he was killed while sleeping, robbed of personal property, none of which could be identified.

On July 28, 1953, Harry Pitts, another truck driver, parked his tractor and trailer in the same approximate vicinity in order to obtain some needed rest. The following morning he was found dead in his cab. Investigation disclosed that he also was shot through the head and killed while sleeping and robbed of his personal property, none of which could be identified.

On July 31, 1953, John Sheppard, also a truck driver, was shot and seriously wounded during a robbery while parked in his tractor on Route 30 near Lisbon, Ohio. Investigation disclosed that this robbery was committed in the same manner as the robberies and murders on the turnpike. During the robbery, personal property was taken, one article being a man's yellow gold Elgin pocket watch, works and case numbers unknown and thought not possible to obtain.

§10.14--Ballistics tests

Science immediately went into action exploring every scientific clue in order to obtain new information and if possible to link all three crimes together. The pellets

which caused the death of the two truck drivers who were killed and robbed while sleeping on the turnpike and the pellet used in the shooting of the truck driver who was shot and robbed while parked in his cab near Lisbon, Ohio, were examined and compared on what is known as a comparison microscope. After examination it was positively determined that all pellets were identical and positively fired from the same firearm. The lines made on the bullet at the time it was fired by what is known as the lands and grooves in the gun barrel of the firearm were identical. These lines are similar to fingerprints and no two sets coming from different firearms have ever been found to be the same.

Search of the scene of each of the three crimes was also made. In each investigation an empty cartridge case of some foreign make was found. These cartridge cases were likewise compared under the microscope. The breech markings caused by the firing of the shells on all three cartridges were found to be identical. There was no longer any doubt that the weapon used was a .32 caliber automatic pistol of some foreign make. This was, however, as far as science could go in the solution of these crimes.

§10. 15--Location of stolen property

It must now be recalled that the last shooting occurred on July 31, the last murder on July 28, and, of course, the first murder on July 23. On October 7, 1953, we received a routine circular in Cleveland notifying us to be on the lookout for the truck driver's stolen property. There was considerable delay in this notification, from the end of July to October 7. Nevertheless, the circular was handled in a routine manner when we received it. As in all large police departments we maintain a pawn division. A card for the stolen property was made out and put in our pawn files. No sooner had this card been filed when we were notified by our pawn record men that the particular watch in question had been pawned at David's Loan Shop on August 4, 1953. In other words it had been pawned some eleven days after the occurrence of the first murder on July 23. By law the pawn broker is compelled to have the person pawning an article sign his name on the reverse side of the pawn card. In addition the broker is compelled

to write a short description of the person offering the article for pawn. From this card we learned that the name of the party in question was John Wable; that he was twenty-four years old, six feet tall, 155 pounds; that on his clothing he wore a badge from the Parker Appliance Company; that he had no scars or other particular markings.

§10. 16--Identification and location of the suspect

We immediately went to the address which had been supplied and talked to the landlady. She confirmed the description given by the pawn broker as that belonging to a former tenant. He had only been with her a few days, but during that time he had asked her if she would mind hiding a pistol for him. She had willingly hidden the pistol and had just as willingly turned it over to us. It was a Walters pistol, a foreign make, and it was a .32 caliber automatic. It really looked like we had something.

The watch was obtained from the pawn shop and forwarded to the Pennsylvania Criminal Identification Bureau to be shown to the wounded truck driver, Sheppard. He positively identified the watch as his.

In the meantime we learned that John Wable had been arrested in East Cleveland on August 8, a very short time after he had committed the two murders and the shooting in Lisbon, Ohio. He had been sent to Pennsylvania and there placed in the county jail on a charge that was originally automobile stealing and which was later reduced to conversion. During the time he was in jail, he told one of his inmates that he had killed two men on the turnpike and had shot another man in Lisbon, Ohio. Although this story was repeated to the officials in charge of the jail, it was not believed. Later Wable was released.

A photograph of Wable was finally obtained and Sheppard, the wounded truck driver, identified it as the man who had shot and robbed him. An intensive search was then commenced. Newspaper publicity was given to the search. The fugitive was eventually nabbed and arrested in New Mexico. He was returned to Greensburg, Pennsylvania, where he was prosecuted for the homicide. He was found guilty of murder and sentenced to the electric chair and has since been electrocuted.

§10.17 Hearsay evidence and protecting the scene; a case study

I would like now to point out two important rules to be followed in a homicide investigation. First, the crime scene should always be protected. And second, never accept hearsay evidence. Do not accept as fact something repeated to you over the telephone. Always go to the scene of the crime and have a look for yourself.

I would like to give an example, one which I feel free to criticize because I was the one who made the mistakes. In this particular case we received a call from a downtown hotel that a baby believed to be a fetus had been found in one of the rooms. I told them that we would send a wagon for the fetus and instructed them to pack all of the clothing and effects found in the room and to send such materials along with the fetus in the wagon.

I informed the coroner that I was sending out a fetus as per our usual procedure. About a half hour later I received a telephone call from a very nervous coroner. He said, "Dave, there certainly is something wrong. This is a full-term baby, about three months old."

We went to the hotel and questioned the maid. She informed us that all of the clothing and effects which she had found in the room had been packed in a large box. Among these materials we found a card bearing the name Helen Andrews, Ward 4, male and white. The coroner told me that the baby was a male and was white. It looked like a fairly easy task to solve this particular case.

We assigned men and called every hospital in the city of Cleveland. However, we could find no information concerning any Helen Andrews. There was no information concerning Helen Andrews to be found in any of the hospitals in the entire county. We did, however, find a Helen Andrews listed in the telephone directory and called her. She denied ever having been in the hotel or having any knowledge of this baby. This Helen Andrews had never been pregnant. She was never married and she was definitely not connected with this dead baby.

Nevertheless, she later phoned me and said, "Captain, if I can tell you something, will you absolutely promise you will not reveal it to the newspapers or anybody

else and cause me any embarrassment, possible loss of my job and possible embarrassment of my employer?"

I said, "As long as you are not involved in this particular investigation, I definitely will promise you that."

She informed me that she was a political employee for one of our county or city operations; that she had been in the Hotel Hollenden with a group of other girls writing out campaign cards; and that actually she had been writing out campaign cards for Ward 4, Precinct M and W.

Thereafter we questioned the maid in greater detail and learned that she had been cleaning the room in which these girls had worked and was carrying a box from that room containing the card with the name Helen Andrews in it when she was ordered to pack up the effects found in the room with the dead baby. As she had the box in her hands and as it appeared to be a good container in which to pack up these effects, she consequently so used it.

This little incident made us look awfully silly. This could have been avoided had we gone directly to the crime scene and protected it and had we refused to accept hearsay evidence.

§10.18 Protecting the crime scene; another case study

Another example of the necessity of protecting the crime scene can be illustrated by another case. The naked body of a murdered woman was found. By the time we arrived on the scene there were hundreds of people milling around, picking over the crime scene, removing very valuable information. A pop bottle which had been pushed into the dead woman's vagina had been pulled out by one of the bystanders so that all of the fingerprints were ruined. These curiosity seekers had actually stolen the stockings from the body. The deceased had been strangled and again some curiosity seeker had gone to the trouble of untying the scarf from around the neck, apparently thinking that the person might breathe.

After we finally had the scene protected we found another bottle which at first looked like the solution to the whole case. It was from a drug store, there was a prescription number as well as instructions for the taking of this particular medication.

As the name of the doctor involved can be located from the prescription number we went immediately to the drugstore. It was Sunday, however, and this drugstore was closed. It took some time to locate the druggist who happened to be on a picnic with his family on the far east side of the city of Cleveland. We convinced him to return to his store and procure for us the doctor's name.

It turned out that this doctor was also on a picnic at Vermillion, Ohio, a town located about thirty miles west of Cleveland. We sent a team of detectives after the doctor. The doctor reluctantly returned to Cleveland and gave us the name and address of the individual we were looking for. It was now about 2:00 a. m.

When we went to the address given to us by the doctor, one of the detectives recognized the man answering the door as a person he had seen at the crime scene. The man readily admitted having been present at the scene of the crime.

He was asked, "Do you recognize this bottle?"

"Oh," he said, "sure. That's my bottle. I was supposed to go to the doctor Saturday night and that's a sample of my urine. I didn't go. I thought it would be a good place to just throw the bottle away."

So you can see that it is very important to protect the crime scene.

§10. 19--Identification of dead bodies

I would like now to mention something about scanty identification of dead bodies. We discovered the dead body of a woman in a park. There was no identification on the body although there was a large scar on the chin which we thought might aid us in identification. We checked the missing person files and eventually were put in contact with a man whose wife was missing. This man had been married for some seven years and he came in and positively identified the body as that of his wife. Later we questioned him about the scar on the chin. He told us that his wife had no scar on her chin. We then called in the mother of the missing wife and after viewing the body she said, "Why that old fool. That is not my daughter at all." So if you jump

to conclusions on the identification of dead bodies, you can very easily be mistaken.

In this particular case it was a combination of scientific and practical police work that finally solved the identification and eventually resulted in a conviction. An autopsy was made and black coffee was discovered in the victim's stomach. By checking the various restaurants in the vicinity with regard to a person who might have been drinking black coffee at two o'clock in the morning, we were able to learn the identity of the victim. We learned where she lived and also that she was in the company of a man named Van Daly on the night in question. He was a very large man, six feet eight inches tall and he wore a size fifteen shoe. This crime had taken place in a park where the earth was very soft and without doubt those large shoes and the weight of this individual would have left definite indications and something to work on had the crime scene been protected. Because of this failure to protect the crime scene, other evidence had to be used to secure a conviction.

§10.20 Jumping to conclusions

I would like to point out another dangerous mistake that investigators make: they jump to conclusions too readily. A lot of us are guilty of this weakness; I know I am.

For example, a body was found in the ash pit of a coal-fired furnace. We examined the body and although there were numerous burns on it, we came to the conclusion it was a death due to natural causes. After the body was washed at the morgue, however, it was discovered that death was caused by a bullet. We then made an investigation and discovered that there had been trouble between the fireman and the watchman at this factory, and that the watchman had shot the fireman with a .22 caliber rifle during an argument.

I might cite another example wherein a doctor, who incidentally wanted to run for coroner, jumped to a mistaken conclusion. He had been treating a patient for high blood pressure. The patient died. He was called to the home where he viewed the body in a dimly lit bedroom. He pronounced the patient dead and signed, as the cause of death on the death certificate, hypertension or high blood

pressure. The body was then sent over to the morgue under this classification of death due to natural causes. After the body was washed a bullet wound was discovered. The patient had committed suicide.

§10.21 Tulley murder case

I would like now to discuss in more detail the investigation of a sensational murder case. In 1948 Shelia Ann Tulley, an eight-year-old child, was sent on an errand by her parents to a nearby store. Near midnight the Endicotts, a couple who lived approximately a block and a half from the Tulleys, were returning from a party. They discovered the body of Shelia Ann Tulley on their front porch. They could see that her boots and knees had been dragged through mud and that there were indications of wounds about the head. The Endicotts did exactly the right thing: they touched absolutely nothing and immediately called the police. As a result this particular crime scene was protected.

We examined the body. There were stab wounds in the babushka, apparently penetrating into the head. There were indications that this child had been living at the time she had struggled onto the porch. The lights in the house had been lit; apparently she had been pounding on the window seeking help. Fingerprints on the window were positively identified as hers. The girl must have escaped her assailant and then fled to the porch. She had also been beaten; there were marks on her forehead and blood on her nose and her face. There were several head wounds: one right behind the ear, a wound by the lobe of the ear, and another wound a little bit lower.

An autopsy was performed to ascertain the exact depth of these wounds. In Cuyahoga county we have a complete autopsy performed on every body involved in a homicide or suspected homicide that occurs in the county. An autopsy procures much valuable information for the investigating officer.

Her hands were examined. One of the nails was pulled from her little finger. On her feet were numerous contusions and bruises. We were not especially concerned over such markings on the feet or legs of children, for children eight or nine years old commonly carry such markings.

§10.22--Search of the area

The police took over the investigation. A closer search was made of the entire area. Everything was raked. There was blood found on the porch. Because it was a windy night the trail of blood could be traced down the side of the Endicotts' house, which was right on the side of an alley. We even found blood traces on a telephone pole. We found indications of a struggle near a garage.

I might caution you here with regard to the removal of such evidence. Investigating officers should carry with them clean cardboard containers and envelopes to transport evidence when it is found. Evidence such as blood on a pole should be removed with a knife or a saw or a chisel; the entire portion of the wood containing the stain should be removed and the whole portion should be submitted to the lab so that the blood can be properly removed and studied. We usually saw out the portion of the material we want first and then talk to the owner of the property later on. If there is any trouble we send the owner to the city law department. I presume damages are paid to compensate the owner for the loss to his property.

In the Tulley case we were unable to find the murder weapon. We called upon the city sewer department for help, and every sewer in the vicinity was cleaned and sifted in the hope of locating the murder weapon or other evidence. The streets in the vicinity were also cleaned and all of the dirt was sifted. Also an aerial photograph was taken, a device which is very often quite helpful. The photograph in this particular case did not turn out too well, but it did give us a frame of reference with regard to the location of various homes where we might start our interviewing.

In the meantime the coroner had discovered the cause of death. There were seven wounds in the child's head and one of them about an inch and a half deep and an inch wide had actually caused the death. The wound had been made by an instrument blunt on one side and apparently sharper on the other. The indications were that it was some type of knife, perhaps a hunting knife or a paring knife. The blood samples showed definitely that the blood of Shelia Ann Tulley was exactly the same as the blood

found on the sidewalk, on the side of the garage, and on the pole opposite the opening between the two garages.

§10.23--Neighborhood interviews

We then obtained a map of the vicinity of the crime and through the help of most of the police departments on the east side, we interviewed most of the people in the vicinity hoping to obtain some useful information. Once more we can see that although science came up with plenty of information, it did not come up with a solution to the crime. Practical information, the kind obtained by police officers, was yet needed before the crime could be solved.

During a period of a little over a week, we interviewed 1800 persons, 61 of whom were arrested for questioning. The peculiar thing was that five of these 61 confessed to the murder. This often happens in a crime of this sort. We wasted a lot of valuable time convincing these five persons as well as ourselves that they were not guilty.

During the course of the investigation the newspapers and a union offered a reward for the conviction of the killer. As the investigation proceeded it appeared that the newspapers were really seeking my scalp rather than the conviction of the criminal.

When the break finally came it was the result of practical police work and nothing but practical police work.

One of our officers made the following report:

"On information received, went to 1508 Lakeview Road to investigate one Harold Beach, Jr., age 23, white, who is supposed to be missing from his home since January 4, 1948, but failed to find anyone at home at this address. Request that afternoon men check at this address later in the day."

§10.24--Danger of improper police reports

Not only in homicide investigations but in all police investigations, I think that the weakest point today is improper reporting. Detectives and policemen have a habit of carrying things around in their heads. They are either not capable of making reports or they are lazy or they simply don't want to. In some of the larger police

departments there are cliques of detectives and cliques of investigators; that is, the men who are working on days will only talk to Tom and Harry at four o'clock, and Tom and Harry, in turn, will only talk to Bill and Joe at twelve. In the Cleveland police department this is not permitted. The men who are working days make their report. The officer in charge of all of the units then studies the report and determines who shall follow up on the next day. We take into consideration nationality, religion, etc., before making an assignment. No cliques are allowed in the homicide unit or in the detective bureau of the Cleveland police department.

§10.25--Suspect confesses

The afternoon men were sent to the address mentioned in the above, quoted report. They interviewed the father of Harold Beach, who informed them that his son was on a visit to his mother in Baltimore. We also learned that the boy had a criminal record, having been incarcerated in the New York State Reform School in Napanoch, Ulster County, New York. The Cleveland police department has a book which lists and classifies all of the prisons and reformatories in the country. From this book we learned that this particular reform school concerned itself with sex offenders.

We immediately called this reform school and learned that Harold Beach had been incarcerated for a felonious assault on an eight-year-old boy. We then called the police department in Baltimore, Maryland; Harold Beach was arrested in Baltimore just as he was leaving his mother's home, bag packed, on his way to Florida. You can once again witness the importance of practical police investigation.

When Beach returned he made a full confession. He related that on the night of the murder he had left his home to go to the Ambassador Theater which was located near the Tulley home. But instead he met Shelia Ann Tulley coming down the street. He asked her if she wanted to make a quarter and she said she did. He then led her down the street in between the two garages and wanted her to commit an act of perversion on him. She refused to do it and tried to escape, but he caught her. Her face was against

his stomach. He took out his knife and then stabbed her in the head and in the back. Finally, he let her go and he ran in one direction and she in the other.

Beach ran to his home, packed his bag and left for Baltimore.

Beach also informed us that he had hung the coat he had been wearing that night in the stairway leading to the cellar of his home and that he had washed off the knife he used and had placed it in the kitchen knife drawer. We were able to obtain both the coat and the knife. Blood was later found on the knife by the scientists.

When we asked Harold Beach how old he was he replied, "Well I am 22 years old, but if I live and don't go to the electric chair before March, I will be 23." He appeared nonchalant about the whole thing.

§10.26 Advising accused of his constitutional rights

I know very well that you do not have to notify anyone about his constitutional rights, but if you do it carries a greater weight with the court and also with the jury. It actually impresses the jury if you notify an accused of his constitutional rights before taking his confession. We have a form for notifying suspects of their constitutional rights and also for taking a statement from them as to the facts which led to their arrest. We let them make a statement first and then we ask them questions. When we return to them a copy of the transcribed confession we deliberately make a mistake and cause the accused to cross out the mistake and enter a correction in his own hand. In this particular case we deliberately made a mistake on the name of Beach's mother, calling her Evelyn rather than Ethel. Beach entered the correction in his own handwriting.

We have the following question at the end of the statement: "Have you read the above statement and is it true?" This is signed by the accused. Then it is witnessed by the two detectives who have taken the statement and by the stenographer who has recorded it.

§10.27 Confession obtained by force and coercion

There is another danger. When a case comes to court the accused will often contend that the confession was

obtained from him by physical force and coercion. We have a system for avoiding this danger in the Cleveland police department. Immediately after we obtain a confession, the individual confessing is sent to be examined by the jail physician. The physician examines the individual and even asks him if he has been harmed or abused in any way by the police officers. All of this information is entered on the physician's report.

§10.28 Connection of confessing party to crime

Some of you might still have the idea in your head that the minute you get a confession the case is solved. Nothing could be further from the truth. The person confessing must be connected with the crime by evidence other than that of his confession. In this case we were able to show that the knife purchased by Beach and later hidden in his kitchen drawer fit perfectly into the wound in the brain tissue of Shelia Ann Tulley. Investigation also revealed that threads from Shelia Ann Tulley's babushka adhered to the inside pocket of Beach's coat as well as blood traces which were the bloodtype of the child and not that of Harold Beach.

Harold Beach went to trial before a three-judge court. He was found guilty of murder in the first degree and was later electrocuted. He was completely nonchalant about the whole affair right to the end.

§10.29 Photography in criminal investigation

I would like to mention briefly the importance of photography in criminal investigation.

In all of our investigations we immediately take photographs. It is a very important function, because even after taking a confession you might need your photographs.

In one case I remember a mother confessed to killing her child by beating him over the head with a spatula or pancake turner. The coroner later informed me that it would have been impossible for death to have been caused by the spatula because the spatula was flat and the death wound was concave and depressed. We then re-examined the photographs. We noticed that the stove in the kitchen had recently been moved, for there was a crack in the pipe.

We talked with the mother once again. She told us that she had swung at the boy and had hit him with that spatula and that in running away he had banged his head into the stove thus knocking it from its moorings. The skull fracture had been caused by the stove and not by the spatula. The mother was found guilty of manslaughter rather than murder partly because of the photograph.

In another case there was controversy over what instrument actually caused the death of the victim. The prosecution contended that the instrument in question was a certain bottle. The defendant's lawyer claimed that the bottle was empty and as such could not possibly have caused the damage claimed. One of our photographs was blown up and it was discovered that the bottle was a full one.

§10. 30--Sam Sheppard case

I would like to discuss one final case. I am sure you have all heard a lot of talk and have read about the Dr. Sam Sheppard case. I am not going to delve into much of a discussion of the case. The case was built up beyond its importance by the press. Still there were a couple of aspects of the case which concerned practical police methods which I would like to discuss with you.

If you remember the story, you will remember that Dr. Sheppard claimed to have been sleeping on a couch downstairs while the murder took place. He was supposed to have gone upstairs where he got into a hassle with some phantom, some bushy-haired stranger he had never seen before. Our photographs showed the amount of damage that was done to Mrs. Sheppard. Furthermore, there was a considerable amount of blood around her body indicating that she lived for a considerable period of time after the assault. Of course, as you know, the minute an individual's heart stops pumping, why, of course, the blood stops flowing unless there is some unusual gravity aspect involved.

In this particular case she was beaten brutally around the head and she lived for a considerable period of time after the beating.

Our photographs showed the couch where Dr. Sam claimed to have been sleeping. As a practical matter the coroner, Dr. Gerber, and myself made a little experiment

with this couch. We found that we could get from the couch to the upstairs room in some seven seconds. In view of the fact that there were some thirty-five wounds on the victim's head and in view of the fact that she lived for a considerable period of time after the beating, does it not seem probable that she would have cried out several times and that her cries would have brought her husband up the stairs to her bed before her death? Doctor Sheppard's story that all was over by the time he arrived upstairs is very difficult to believe.

Our photographs also indicated that no real robbery occurred but that rather a robbery was merely simulated. For example, the doctor's bag was neatly turned over and its contents had not been rummaged through as is customary in a burglary. Likewise, several drawers of a desk were pulled out but again they had not been ransacked as is customary in a burglary.

Dr. Sam also claimed that he ran down the stairway in the back of the house facing the lake. He supposedly ran over to a stairway which went down to their beach. He was supposed to be doing this in total darkness, chasing the alleged attacker. The distance covered here would have been about two hundred feet if he had run down all of the stairs. Yet he had no marks on his feet indicating such a trip or that he stumbled or fell at all. He also allegedly ran down the beach a hundred feet or so. Ultimately he returned, missing his tee shirt. He could give no description of the individual he had been chasing. He claimed that he had run down all of these stairs in the dark without falling, without stumbling, without injuring himself at all.

§10. 31--Blood stains

We had photographs to show the amount of blood that was left by the body of Mrs. Sheppard and how it penetrated the bed. It is logical to believe that whoever committed the crime would have been extensively covered with blood. Our photographs showed that blood was splashed as far away as the door of the next bedroom. We felt convinced that blood must have spurted up against the assailant so that his shirt and body would be covered with blood.

The scientific examiners discovered blood stains going down the stairs which must have dripped from the body of the assailant. We placed white papers on these stains to indicate their positions for the photographers, so that the photographs would show the path taken by the murderer.

Of particular interest, I thought, was a certain light fixture which hung very low. The ordinary man could not walk under this fixture without bumping his head. Dr. Sam could not walk underneath the light either. Now when the murder occurred, there were no lights on and the house was dark. Yet we are supposed to believe that the assailant, dripping blood and fleeing from his crime, knew enough to walk around this light so as to avoid bumping his head.

Other photographs that we made indicated that the so-called burglary was perpetrated after Mrs. Sheppard had been beaten. Blood spots were discovered where the drawers were pulled out of the desk and also where the doctor's medical case was taken from him. So, whoever committed this kind of burglary also was dripping blood.

But Dr. Sam indicated that the assailant ran out on the beach. If this is true, then how did the blood get by the desk and by the medical bag unless Dr. Sam put it there?

Furthermore, during the investigation the doctor brought an expert to Cleveland from San Francisco. This expert, a Dr. Kirk, had a theory about the case. He contended that whoever committed the murder was left-handed; that Doctor Sam could not have committed the murder because he never did use his left hand, in fact he could not have used his left hand if he had wanted to.

We were, however, able to dig up some old photographs of Dr. Sam taken at a country club. In one of these, we discovered Dr. Sam eating with his left hand.

So you can draw your own conclusions about the guilt or innocence of Dr. Sam Sheppard.

Chapter 11
**A Murder Investigation by the
Criminal Investigation Department
of Scotland Yard***
by
George H. Hatherill

Section

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- 11.2 Scene of the crime
- 11.3 Clues found at the scene
- 11.4 Post-mortem examination
- 11.5 Interview of victims' parents
- 11.6 Search of the area
- 11.7 Description of vehicle and driver
- 11.8 Tracing the vehicle and laundry mark
- 11.9 Mapping route of vehicle and location of clues
- 11.10 Tracing the laundry mark
- 11.11 Location of the vehicle
- 11.12 Search of suspect's clothing
- 11.13 Comparison of mileage records
- 11.14 Statement given by suspect
- 11.15 Fingerprint comparison
- 11.16 Analysis of blood stains
- 11.17 Arrest of suspect
- 11.18 Interview of officers
- 11.19 Circumstantial evidence at trial
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§11.1 Introduction

This case concerns a murder investigation which this writer conducted in November 1941.

It should be mentioned that almost every day during that November there was very heavy rain. Sunrise was about 9 a.m. and sunset about 4:30 p.m. Reference is made to the weather conditions as they had certain effects in the course of this investigation.

*The material in this chapter originally appeared in "International Lectures on Police Science" and is used here with permission.

On Wednesday, November 19, 1941, in a little village called Penn, County of Buckinghamshire, two little girls, Doreen Hearne, aged eight years, and Kathleen Trendle, aged six years, came out of school at 3:30 in the afternoon with the rest of the schoolchildren. The school was about half a mile from their homes in the village. They went the usual way down the road, with other children, to the cross-roads near their homes. There they saw an Army lorry parked. These two girls asked the driver, a soldier, for a ride. He was heard to tell them to get into the lorry with him. The lorry drove off through the village and was not seen again. When the children did not come home, the parents made inquiries and, learning from other children that they had gone for a ride with the soldier, they became alarmed and informed the police.

Inquiries were made to trace them, but without success. On the next day, the children still being missing, searches were organized by police, assisted by local inhabitants, Boy Scouts, and others. It was not until three days later, on Saturday afternoon, November 22, that their bodies were found in Rough Wood some four miles from the village. Both girls had been stabbed several times through the throat, and had obviously been there since the evening of the day they disappeared. The local police asked for the assistance of Scotland Yard and I was deputized to take up the case. I was informed at 10 o'clock at night on November 22nd that I was to go to Buckinghamshire to deal with this case. Everything else was left entirely to me.

I telephoned the local police and told them I was coming down to assist in the investigation. I asked them what they could tell me, which was not much except that the bodies had been found as already described, and removed to the local mortuary. I gave instructions that nothing was to be touched on the scene of the crime, and they were to await my arrival. I then made arrangements for a junior officer to join me at my home at 7 o'clock the next morning, and also for Sir Bernard Spilsbury, a pathologist, to be brought by car to my house at the same time. The three of us left together by car. We arrived at Chesham, the local police headquarters, at 8 a. m., November 23.

On arrival at Chesham police station we met the local inspector of police, who told us how these children

had left school, had been seen by other children to ask the driver of the Army lorry to give them a ride, and had gone off in the lorry. Further, that in the course of inquiries which had been made during the three days' search, they had learned from various persons that a military lorry had been seen travelling along local country roads with two little girls sitting in front with the driver.

§11.2 Scene of the crime

We were taken then to the wood where the bodies were found. This was some six miles away. When we got there we found the local police had very carefully carried out my instructions not to disturb anything. We went along a wide path through the wood. Eighty-one feet from the south edge of this path the body of Doreen, the elder girl, had been found. Sixty-six and one-half feet from the other side of the path the body of the younger girl had been found. When discovered both girls had their clothing pulled up over their heads, but their underclothing had not been interfered with. The left shoe of Doreen was off and lying near her feet. Her overcoat was also bundled up on the ground near her stomach. The left shoe and stocking were missing from the younger girl. There were no blood stains on the spots where the bodies of the girls had been found. As I have already said, both bodies had been moved to the local mortuary. Before removal they appeared as these photographs indicate, with Doreen Hearne shown in Figure 39 and Kathleen Trendle shown in Figure 40.



Fig. 39



Fig. 40

§11.3 Clues found at the scene

I made a search of the vicinity and found a khaki handkerchief twenty-five feet away from the spot where the body of Kathleen had been found. This bore a laundry mark "R. A. 1019." A hair ribbon, on the north edge of the path, was later identified as Doreen's. A fawn sock was also found hanging on the branch of a fir tree, about four feet from the ground and fifty-six feet away from where Kathleen's body was found (Fig. 41). The sock was later identified as Kathleen's sock. We also found a red leather gas mask container which belonged to Kathleen, thirty-one feet away from Doreen's body, and four feet beyond that we found the left shoe of Kathleen.



Fig. 41

As I said at the beginning, there had been heavy, continuous rain during the three weeks previous to this time. As a result, the earth along the wide path through the wood was fairly soft. One could see deep tire impressions of a motor vehicle having been driven along the path. One could see it had travelled to a certain spot, turned around, crushing the growth on both sides of the path, returned a short distance along the path, and came to a stop at a point roughly half way between the two bodies. These impressions were more pronounced here and also at that spot there was quite a large area of the earth stained with oil. It was obvious, of course, that this was where the vehicle had stopped while the murderer was disposing of the bodies, and had stood there for some minutes. It appeared also that the vehicle had a bad oil leak from some part. I formed the conclusion that this leakage of oil had come either from the back axle or from one of the back wheels of the vehicle.

A little east of this spot I found a blood-stained patch eight feet from the point in the path. Four feet further on a second blood-stained patch was observed and, finally, two feet further on, a blood-stained leaf was seen.

Although a very careful search of the whole vicinity was made, nothing else of significance was found. Photographs had already been taken of the bodies as they had been found. I placed markers on the spots where these various objects and incidents were discovered and arranged for further photographs to be taken. Figure 42 is a view of the spots where Kathleen Trendle's red gas mask container and left shoe were found. Doreen Hearne's body was found thirty-one feet to the left of these articles.



Fig. 42

At the same time I also arranged for plaster casts to be made of the tire impressions and had a good solid chunk - about one foot deep - taken up of the oil-stained earth. This was later sent to the laboratory in London for examination and analysis.

§11.4 Post-mortem examinations

Having taken possession of all the articles, we then went on to the mortuary and were present at the post-mortem examinations conducted by Sir Bernard Spilsbury. The elder girl, Doreen, had three wounds in the neck, including a large one in which the weapon was probably twisted round. She also had six small puncture wounds in the chest, three of which had penetrated to the lung and a fourth which had caused a fracture of the third left rib.

Her garments were soaked with blood and rain and infested with insects. Her knickers showed no signs of disturbance. There was nothing to suggest any sexual interference.

The other girl, Kathleen, had eleven stab wounds in the throat, each about five-eighths inch wide. One of these had penetrated to the spinal column. One small puncture wound was located just above the collar bone. Her garments, too, were in a similar condition to those of the other girl and, again, her knickers had not been disturbed, nor were there any signs of sexual interference.

Sir Bernard Spilsbury told me that in his opinion both children had been partially strangled before being stabbed; that they had died slowly. The cause of death was "hemorrhage from the stab wounds." The elder girl had lost anything up to six pints of blood, and the younger girl up to four pints. The stomach contents of Doreen contained some partly digested food, mainly starchy, resembling potato, with a little green vegetable and a little meat and fat. Similar food was present in the upper part of the small intestine. The stomach of Kathleen was full of partly digested food, consisting largely of starchy food, resembling potato, which was present in large masses, with a little fat and meat.

Sir Bernard Spilsbury expressed the opinion that the same weapon had been used in each case. This weapon

had a blunt point and a rather blunt cutting edge. Measurements of the wounds indicated that the blade of this knife was five-eighths inch wide and not double-edged. Blood was taken from each body and sent to the laboratory for grouping, together with samples of hair from the head of each child.

§11.5 Interview of victims' parents

I next saw the parents of the two dead girls. Mrs. Hearne told me that her daughter Doreen had left home at 12:50 p.m. on Wednesday, November 19, for school. For her mid-day meal that day she had had beef-meat pie, potatoes and cabbage, and apple pie and custard. She described her clothes, which agreed with the clothing we found on her. But she mentioned, too, that the girl was carrying her gas mask in a black tin container.

Mrs. Trendle, the mother of Kathleen, said her daughter had left for school on Wednesday, the 19th, just before 1:00 p.m. For her meal she had just minced beef and mashed potatoes. She, too, described her clothing and said she was carrying her gas mask in a red leather container.

In view of Sir Bernard's description of the stomach contents and from what we learned from the mothers, it was established beyond all question that the girls had been killed on the afternoon that they were taken away.

§11.6 Search of the area

It will be remembered that no blood was found where the bodies were discovered. Further, that the result of the post-mortem examination showed that both girls had lost a large quantity of blood. As, therefore, the girls had been killed elsewhere, I made arrangements for organized searches to take place through the wood, and other small woods and open spaces in the vicinity to see if we could find any spot which was heavily blood stained where the girls may have been butchered. At the same time, in view of Mrs. Hearne's statement that her daughter was carrying a black tin gas mask container, search parties were instructed to try to find this.

The people on this search were warned specially that if they found this case, bearing in mind that it was of tin with a black finish, it was not to be touched as it might

have fingerprints on it. Its discovery was to be reported to a certain officer who would handle it in the proper way by taking it to the local police station and by sending for Superintendent Cherrill, the fingerprint expert of Scotland Yard, who would examine it.

The people taking part in these searches had to be gathered together and briefed. Since it was already the afternoon they did not commence until the following day. I can say here that so far as finding any blood stains in the area was concerned, that was without success. I will refer to the discovery of the black tin gas mask container later.

§11.7 Description of vehicle and driver

The next thing that was done was to interview the children who saw the two girls ask the driver for a ride. This took up the rest of the day. Among a large number of children we interviewed there were three schoolgirls, all aged eleven, who saw Kathleen and Doreen speaking to the driver at the cross-roads; a boy, aged twelve, who cycled past the lorry while it was standing at the cross-roads; and a boy, aged ten, who walked past the lorry while at the same spot. It was very interesting to note that from all the girls we got a very good description of the driver of the lorry, but they could not describe the lorry very well. The boys, while not being able to say what the driver looked like, beyond that he was a soldier, gave us a most detailed description of the lorry.

From the girls we learned that the driver was about twenty-six years of age, medium colored hair, reddish complexion, wearing silver-rimmed glasses and a service cap. From the boys we learned the lorry was a 15 cwt. Fordson camouflaged like a wireless truck, but without any aerial, with a canvas hood lower than the top of the driver's cabin (this statement about the hood was interesting as hoods are always built higher than the driver's cabin and it suggested an improvised hood, which was indeed found to be so when the lorry was finally traced). It had steel doors to the driver's cabin, but no protecting weather shield or windows. On the nearside front mudguard were the figures "43" in white on a red and blue square, and on the offside front mudguard were the letters "J. P." joined together in

blue on a red circle. The boy, aged twelve, added that in the radiator mesh towards the top right-hand corner was an artificial poppy (this was one of those poppies sold on Armistice Day every year in Great Britain in aid of the permanently disabled men of the Great War). He also mentioned there was a figure "5" on the offside front lamp.

§11.8 Tracing the vehicle and laundry mark

Late that evening we had inquiries made of the War Office to ascertain what artillery unit had the markings on their vehicles as described by the boys. I should mention that having been in the Army myself during the First World War, I knew that the colors red and blue were allotted to artillery regiments. We were informed by the War Office that the markings on the lorry described were allotted to the 86th Field Regiment of Royal Artillery and that this particular artillery unit had been in the west country up to November 16, when it moved off to the east coast to take up position in case of a German invasion. It had travelled in stages and from November 18 to November 21 it had stayed at Hazelmere, a few miles from Rough Wood. Then it moved off on its final run to Suffolk about 140 miles away, where, as already stated, it was deployed for battle stations. The Headquarters of the Regiment was stationed at Yoxford, a small town about five miles from the coast.

I also sent out to all police forces in London and the Home Counties a request that inquiries be made at all laundries in their areas to establish to whom was allotted the laundry mark "R.A. 1019", which was on the handkerchief found at the scene of the crime. This, of course, could not be commenced until the following day, Monday.

Incidentally too, I had found out two other points: that steel-rimmed spectacles were an official service issue to men in the Forces, and that the width of the blade of an Army official issue knife was five-eighths inch wide. By this time it was nearly midnight and that concluded our activities for the day.

§11.9 Mapping route of vehicle and location of clues

The next morning, Monday, we concentrated upon making inquiries throughout the roads and lanes between

Penn and Rough Wood. We found quite a number of people who had seen this lorry travelling along the previous Wednesday with the two little girls seated up in front with the driver. As a result of these inquiries, we were finally able to establish the continuous route taken by this lorry from the cross-roads to within a mile of the wood. As the point where the lorry was last seen by someone was on the main road leading to Rough Wood, I felt we had the complete journey.

The map (Fig. 43) shows the cross-roads at Tylers Green where the girls were picked up, and arrows showing the route the lorry took leading to Rough Wood where the girls were found. At points along this route are names in frames with arrows leading to the route indicating spots where witnesses saw the lorry go by. The "Queen's Head" Public House was the last point where the girls were seen alive on the lorry.

I then made a journey in the police car from the cross-roads down along the route we had established, to the middle of the wood where the oil-stained earth had been found. From there we travelled by the most direct route to the camp at Hazlemere where the artillery unit had been staying, and then took the most direct route from there back to the cross-roads. The speedometer reading on the car was ten miles from the cross-roads to the wood; 2 miles from the wood to the camp; and two miles from the camp back to the cross-roads, making a total of fourteen miles. As will be seen from the map, the route the lorry had taken with the little girls from the cross-roads to Rough Wood had been anything but direct. The checking of the mileage of this run later proved most important. It developed into the little two percent luck in the investigation, which I referred to yesterday.

These activities took up the whole of Monday and that night. Reviewing everything, I felt there was nothing more to be done in Buckinghamshire and decided to go to Yoxford the next morning. Before my departure, however, I made arrangements for the local surveyor to prepare this plan of the countryside, showing the school from which the children had come, the cross-roads, the various lanes between Penn and Rough Wood, marking by arrows where we knew the lorry had travelled, Rough Wood itself, and the

route back to the camp at Hazlemere.

In addition, a second map (Fig. 44) of Rough Wood was ordered, showing exactly where the various objects were found and distances in relation to each other.

REX v HAROLD HILL

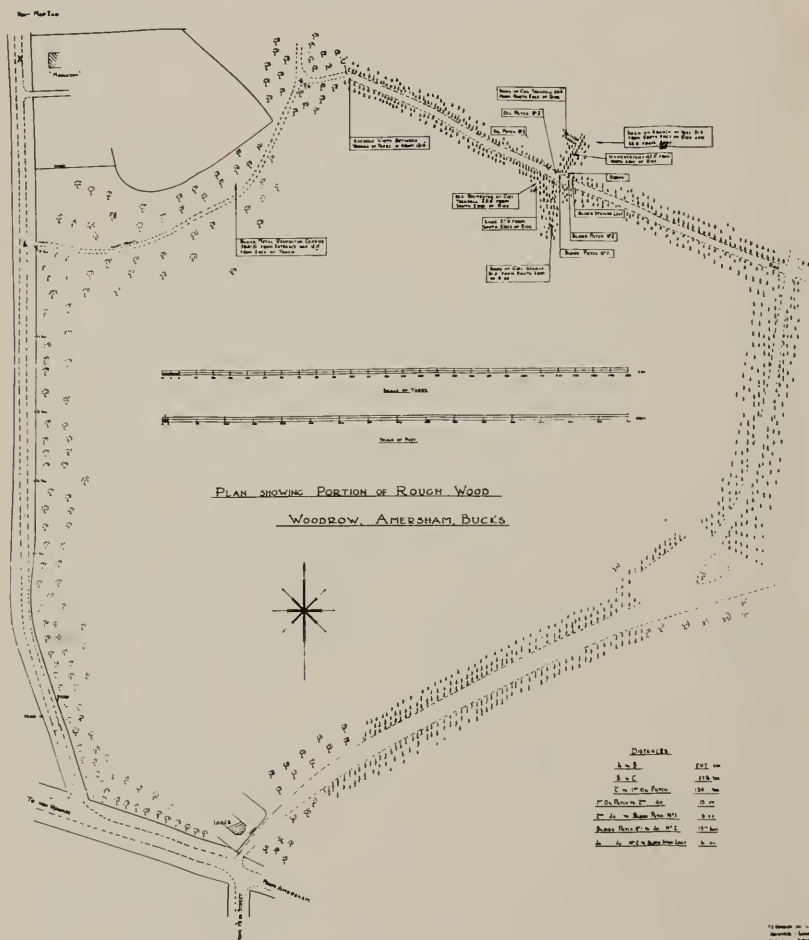


Fig. 44

§11.10 Tracing the laundry mark

The searches for the blood-stained earth and the black tin gas mask container had not resulted in anything that day. Late that evening, however, I was informed that inquiries at laundries had resulted in establishing that the mark "R. A. 1019" was that of the Royal Standard Laundry of Chiswick, London. It was allotted to a man named Harold Hill, who was in the Army.

§11.11 Location of the vehicle

I left for Yoxford early on Tuesday morning, arriving there just after midday. I saw the colonel of the regiment. After telling him of the details of the murder and what our inquiries had established, I told him I was looking for a lorry which I believed belonged to his regiment and which I thought had a bad leakage of oil from either one of its wheels, the engine, or the back axle. The four batteries of his regiment were in positions spread over some miles on the coast. He sent for his four battery commanders. Again I told them of the lorry that I was looking for and emphasized it had a bad oil leak somewhere. One of the battery commanders told me he had a lorry in his battery which was giving trouble as it had a bad oil leak from the rear axle near the nearside wheel. When it had been running for some time the oil got hot and leaked out badly. A large pool of oil would accumulate where the wheel had been standing. He told me this lorry was always driven by a driver named Hill, who answered the description I had, except that he was wearing tortoise-shell glasses. The lorry at that time was in a barn in a village some five miles away. We went to this barn where the lorry was parked and, on looking underneath, saw that it had been leaking badly. There was a large pool of oil on the ground underneath the back nearside wheel.

The lorry itself, of course, was photographed from different angles (Figs. 45 and 46).

We then went over the lorry and searched it. Pulling out a large tarpaulin which was used for covering the radiator in cold weather, we found large reddish-black stains on it. Making an elementary test on one of these I was satisfied that it was blood. I walked round this lorry

and was, I confess, a little astonished. The description of the lorry given me by the boy aged twelve was complete in every detail. On the mudguards were the signs "43" and "J. P. " as described to me (Fig. 45). It had an improvised hood and no wireless aerial. In the radiator of the lorry there was a large imitation poppy, precisely in the position he had described. I also examined the inside of the lorry. At the time no bloodstains were visible. I had a look at the tires and they corresponded exactly with the plaster casts I had with me of the tire impressions found in the wood.



Fig. 45

§11. 12 Search of suspect's clothing

I next asked to see Hill. When he was brought to me I told him I was investigating a case of murder and wanted to examine all his belongings. I examined the uniform he was wearing, but could not find anything suspicious on that. However, the spare uniform he had in his kit-bag, on being pulled out, I found to be very damp. Hill said he

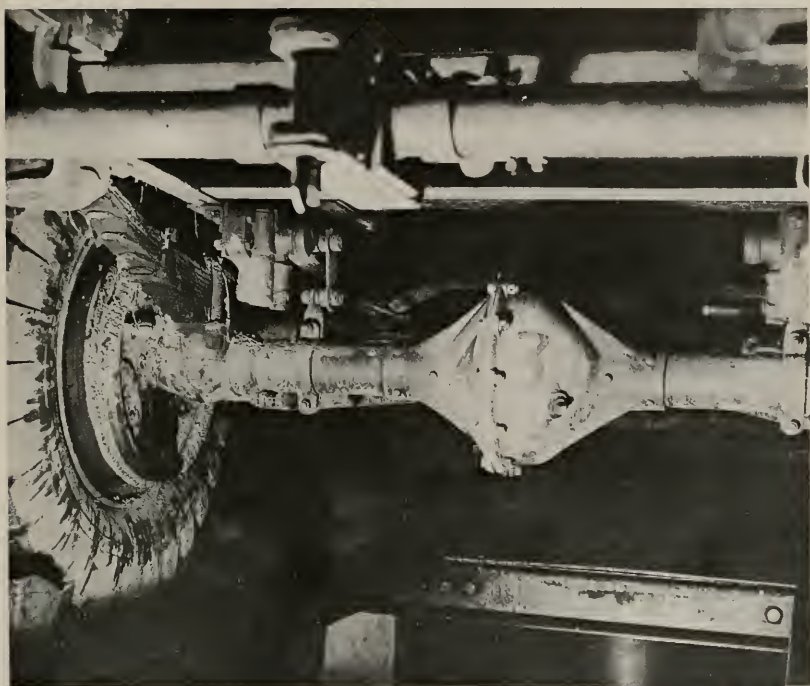


Fig. 46

had been out in the rain in it. On examining it more closely I found the inside linings of the trousers and tunic and the pockets were very damp. I concluded that they had been immersed in water and not merely made wet by rain. Looking over the uniform more carefully, I found some spots of what I thought was blood down the back of the tunic, in front, on the sleeves, and on the trousers. The spots on the tunic were just what I would have expected to find had a man slung one of these children over his shoulder to carry her from the lorry for some distance into the wood. The rest of the clothing in his kit-bag was quite dry. I could find no knife, nor could I find any steel-rimmed spectacles. He was wearing tortoise-shell spectacles. Several articles, such as handkerchiefs and shirts, bore the laundry mark, R. A. 1019. " I also examined all the shirts he had in the kit-bag but found nothing suspicious on them.

§11.13 Comparison of mileage records

I then had the little two percent luck I mentioned yesterday.

All drivers of vehicles in the British Armed Forces have to keep a log book in which they must enter the speedometer reading of their vehicle at the beginning of the day, its reading at the end of the day and, in the columns provided for the purpose, the journeys made that day, together with the mileage, so accounting for the total mileage.

It had happened quite by accident that this Battery Commander had had an inspection of the Log Books of his Battery while at Hazlemere Camp on November 20. Hill's log book for November 19 - the day of these murders - showed his speedometer reading at the beginning of the day as 4,420 miles and at the end of the day as 4,429 miles. His speedometer reading at the time of the check-up showed 4,472 miles. Hill had made an authorized journey of 9 miles on November 19, which he had entered up, and two authorized journeys on the morning of November 20 totalling twenty miles, making a total of twenty-nine miles for the two days, but he could not account for the remaining fourteen miles he had incurred. If you remember, I had made a journey in the police car and found the distance covered by the lorry from the camp to the crossroads, then to the wood, and back to camp was just about fourteen miles.

§11.14 Statement given by suspect

I took Hill to the local police station and asked him to give me a full account of what he did on November 19. In answer to my questions, I wrote down what he said in the form of a statement.

In this statement, after giving particulars of himself and when he joined this regiment, he said that on November 19 about 11:10 a.m. he drove an N.C.O. from the camp where they were near High Wycombe to the village where the N.C.O. visited various places and returned to the camp about 12:45 p.m. He went about nine miles, which he entered in his log book. After that he had dinner and at 2 p.m. he went on parade. His statement then reads as follows:

"I was detailed for regimental fatigue with Driver Maxey, Driver Brown and Gunner Battye. We were working under a Sergeant of the T.Es. clearing up the camp. We were so engaged until about 3:05 or 3:10 p.m., when we were dismissed by the Sergeant. He told us to clear off and keep out of the way. I went to the lavatory where I was about ten minutes and then I went on maintenance work on my truck. Where I used to park my truck at Hazlemere was a very muddy spot and I moved it about twenty yards on to a grassy piece. I checked up the oil in the back axle and gear box. This necessitates getting under the lorry and takes some time. It takes about five minutes to get the two nuts off the gear box and the back axle and it takes about five minutes to get the grease gun out of the tool box, empty it of grease and fill it with oil, and pump it into the back axle. The grease gun holds only about a quarter of a pint and has to be refilled and the process repeated until the axle box is filled. The process is just the same for the gear box. I was working on this for about twenty-five minutes to half an hour and then I intended to check my tire pressures. I got the pump out of the toolbox, but then I saw men going in to tea and I decided to pack up and have tea. I left my tools out. I cannot say what time it was then, but I should think it was somewhere between a quarter to five and five o'clock. I did not speak to anyone I knew and I cannot say if anyone who knows me saw me. I did see Gunner Phillips coming out of the mess room as I was going to the cook house. I obtained my tea and food, which was sausages and mash. I don't remember who served me. I used my own mug and plate, and knife and fork which I keep in the truck. I took my food and sat down at the table in the mess room at which was sitting several men whom I did not know. They had no Divisional signs on their uniforms, and I cannot say to which unit they belonged. They did not speak to me and I did not speak to them. I had my back to the rest of the mess room and I could not say what men of my unit were there. I was at the very top table and did not see any men I knew at the tables I passed on my way to the top table. I wasn't looking. I knew the men of my troop had gone on bath parade which was held on that day at 4:30 p.m. They went to High Wycombe. I did not go as I had a cold coming on and I didn't want to take any chances with the

ride coming back. The cold did develop and I am just getting over it now. About ten or quarter past five I finished tea and then went and put my tools away and then went to my hut but on the way met Driver Case. He told me some trucks wanted filling with petrol so I decided to take down the truck of Driver Howard who was on leave. We used to go to some petrol pumps in Penn for our petrol daily at 4:30 p. m. including Sundays, but excepting Wednesdays when it was 6 p. m. owing to bath parade. An issuing clerk from the unit was always at the pump when petrol was being issued and the driver drawing petrol always signed for the quantity he drew. It is impossible to draw petrol without signing for it. I drove Driver Howard's truck to the pumps which I reached at about ten to six. When I got to the pump and took off the tank cap I put in the petrol dipper and found the tank was full. Gunner Lipman who was issuing the petrol and Driver Case were both present when I opened the tank and found it full and they made some humorous remarks about it. It was then about ten to seven as I had been waiting in the queue of lorries and trucks formed up for petrol I returned to camp with Howard's truck and parked it After getting to my hut I packed most of my kit and washed and shaved and then sat round the fire talking with Driver Case and one or two others. Finally I went to bed at about twenty past nine I have got more kit than I ought to have as I have won a lot. I don't know how many handkerchiefs or shirts I have got, probably about three or four shirts and about a dozen handkerchiefs. I never do any washing. I send all my things to the Battery Laundry. I have a laundry mark allotted to me which is 'R. A. 1009' or '1090'. I have been shown my towel and find my laundry mark is 'R. A. 1019'. There is a clasp knife in my kit which is regimental issue and consists of a blade, a tin opener and a spike and it was in good working order when I last saw it about four months ago, when I lost it I have been shown a khaki handkerchief which bears my laundry mark 'R. A. 1019'. I have been told by Chief Inspector Hatherill that this handkerchief was found near one of the bodies of the murdered girls. I cannot explain how it left my possession. It must have been returned in someone else's laundry. I have also been shown the radiator muffler which Chief Inspector Hatherill states he found in my truck. I have been shown some stains on it.

I cannot account for these stains. I do not admit the radiator muffler is mine."

At this point I told him to take off his tunic and found he was wearing a shirt from which the sleeves had been torn from the elbow. In answer to my question about this, he went on to say:

"The shirt I am wearing I have been wearing for a fortnight. I tore the sleeves off last September as they came back from the laundry torn and I thought they would do for the summer I know the near side back wheel of my truck has a slight leak, but not much. It was sent to the workshop approximately a month ago for it to be attended to My clasp knife is the usual issue I lost it some months ago and since have never had occasion to want one. I have never washed my uniform or any of the canvas equipment of my truck. About two months ago two handkerchiefs and one sock was missing from my laundry. I made a complaint about it to Gunner Bird of the Q Stores."

In the course of this statement it will be seen that I asked him what was his laundry mark and he told me it was "R.A.1009" or "1090". He was very evasive here. It was only when his towel, which he had at the station, was shown him that he admitted his laundry mark was "R.A.1019". When shown his handkerchief, told it was found near the bodies, and asked what explanation he could give about that, he was quite a minute or so before he answered. He was also shown the radiator cover which I told him I had taken out of his truck. I asked him to examine a stain on it and tell me what he thought it looked like. After some moments of silence, he said, "It looks like blood." I asked him if he could explain how the stains came to be there. He stared at the cover for quite a minute or so and then suddenly said, "I don't admit that it is mine."

After Hill had read and signed his statement, we took possession of all the clothes he was wearing, including the shirt with the cut-off sleeves, and handed him back to the military.

We then interviewed officers and men of Hill's battery on various points, and obtained statements from them. From one officer we obtained a statement concerning the speedometer reading on the morning of November 20 and the entries in the log book. Another gave details of the

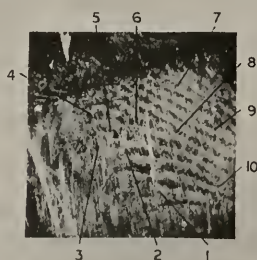
trouble that had been experienced with Hill's lorry so far as the bad leak of oil from the back wheel was concerned. Also we learned that Hill, on joining the regiment, had been issued with steel-rimmed spectacles which he had worn continuously up to a few days previously. These steel-rimmed spectacles could not be found either in Hill's kit or on his person.

On Wednesday afternoon, November 26, I decided to return to London, taking with me his lorry with the blood-stained tarpaulin, and the whole of Hill's kit and clothing.

§11.15 Fingerprint comparison

On arrival in London I learned that the black tin gas mask container had been found in Rough Wood the day after my departure for Suffolk and dealt with as I had asked. Superintendent Cherrill had examined it. He found that all fingerprint impressions had been washed clean away by rain during the time it had been lying in the wood, with the exception of one small fragment of a fingerprint where it had been resting on a piece of shrubbery, and possibly protected by being underneath. This Mr. Cherrill had been able to photograph by a new method he had just perfected. Hill had been previously convicted twice for indecent assaults on girls. His fingerprints were recorded at Scotland Yard. On comparison of the impression found on the container with Hill's fingerprints, it was found that that impression was identical with his left middle fingerprint, as the comparative photographs reveal. (Fig. 47).

PHOTOGRAPHIC ENLARGEMENT OF FINGER MARK
ON METAL GAS MASK CONTAINER



PHOTOGRAPHIC ENLARGEMENT OF IMPRESSION OF
LEFT MIDDLE FINGER OF HAROLD HILL



Fig. 47

§11. 16 Analysis of blood stains

The search for the blood-stained ground had proved negative.

The blood-stained clothing and tarpaulin were sent to the laboratory for examination. Samples of oil were taken from the lorry and sent to the chemist who had received the oil-stained earth. A minute examination of the body of the lorry was made. This resulted in some blood spots being found which later proved to be human blood.

The manager of the laundry to which the blood-stained handkerchief had been sent was seen. A statement was taken from him to the effect that the laundry mark "R. A. 1019" was allotted to Hill.

The following day I received the results of the laboratory examinations. The blood on the tarpaulin was human blood and of the same group as the girls'. Hairs which were also found on this tarpaulin were similar to the hairs of the girls which had been sent to the laboratory. The spots on the back, front and sleeves of the tunic and trousers which I had taken from Hill's kit bag were human blood, but the laboratory was unable to group them. The same applied to the blood spots found in the lorry; they were human blood spots but it was not possible to group them.

I was also informed by the laboratory that the grade and quality of the oil extracted from the oil-soaked earth was similar to the sample I had taken from Hill's lorry.

§11. 17 Arrest of suspect

I then felt I had sufficient evidence on which to arrest and charge Hill. I returned to Yoxford on Saturday, November 29, and arrested Hill. When I saw him, I cautioned him and told him that human blood stains had been found on the denim blouse and battle dress trousers, which I had taken from his kit bag, on his lorry, and the tarpaulin we had taken from that lorry. I asked him if he could give an account of them. I also asked him when he last wore the steel-rimmed spectacles which he had been issued. He said he could not account for the blood stains and said, too, that he had lost his steel-rimmed spectacles some time previously.

I then told him that he was going to be charged with the murder of these girls, took him back to Chesham, Buckinghamshire, the following day, November 30, where he was charged. He appeared before the local court on December 1. After brief evidence of arrest, he was remanded in custody for two weeks.

§11.18 Interview of officers

After this I then returned to Yoxford and interviewed a large number of noncommissioned officers and men on various matters.

I had a statement taken from the captain, who had had the check-up made of the log books and speedometer readings.

I saw the regimental medical officer and took a statement from him that never had Hill, whom he knew, reported sick to him at any time or had any injury which had caused hemorrhage of any description.

I saw the quartermaster sergeant and his staff who stated that Hill had never reported the loss of any handkerchiefs at any time.

I then saw all the men of the battery to which Hill was attached. All of them made statements that Hill was wearing steel-rimmed spectacles continuously up to the morning of November 20, when he suddenly started wearing tortoise-shell spectacles. They never saw him wearing steel-rimmed spectacles again after that date.

Two men, whom I saw, slept on either side of Hill's bed. They were quite definite that Hill was wearing a shirt with sleeves when he went to bed up to and including the night of November 18. One went so far as to say it was when they were getting up on the morning of November 20 that he noticed Hill had cut the sleeves of his shirt off. It was very obvious why. Since the sleeves of his tunic were blood-stained, no doubt his shirt sleeves were also stained with blood.

I found two men who had borrowed Hill's clasp knife. One had borrowed it from Hill just before Hill went on leave at the end of October, and on several occasions afterwards, as he had lost his. The other man had borrowed it about November 15. It will be remembered Hill

said he had lost it about four months previously.

I checked up on the records of meals served to the battery and found that on November 19 tea consisted of bread, margarine, jam, tea, and battered meat roll. No sausages and mash were served for some days either before or after that date. I saw all the men of the battery who went in to tea that day and not one of them could remember having seen Hill there. One did remember that a little after 5:30 p.m. he saw Hill coming from the direction of his lorry which he had parked under a tree and not in the place where he usually parked it. The same man asked Hill on November 20 why he was suddenly wearing tortoise-shell-rimmed spectacles. Hill said he wanted to make a change.

We had an extraordinary statement from one man, who said that on the evening of November 20, Hill was talking to him about the newspapers reporting the two girls missing and Hill made the remark: "There must be a bloody murderer in this hut." At that time no one, except the murderer, knew what had happened to the girls. Their bodies were not found until two days later.

After obtaining all these statements, many of them corroborating each other, I then prepared a report for the director of public prosecutions, together with all the statements, photographs, plans, etc., obtained.

On Hill's remand, the various witnesses were called; the scientific evidence of the various matters relating to the blood, the oil, finger prints and so on, was given; he was committed for trial. The trial took place at the end of January.

§11. 19 Circumstantial evidence at trial

The evidence obtained built up a complete picture of a circumstantial nature, in which we had the following undisputed facts:

- (1) The description of the lorry in which the girls travelled, given by various individuals, agreed in detail to that of Hill's lorry, even to the poppy in the radiator mentioned by the boy, Page.
- (2) We knew that the vehicle concerned had a bad oil leak. Hill's lorry had this leak.

- (3) The tire impressions in the Wood agreed with those of the tires on Hill's lorry.
- (4) The oil that had soaked in the path was of a similar grade to that used in Hill's lorry.
- (5) Hill's lorry had human blood stains in it.
- (6) The tarpaulin in Hill's lorry had human blood stains of a similar group to that of the murdered girls' blood.
- (7) Hill's handkerchief was found near the bodies.
- (8) Hill's finger print was found on the elder girl's gas mask container.
- (9) Hill's denim blouse and battle dress trousers were blood stained.
- (10) The fourteen miles were recorded on Hill's speedometer on November 20, for which he could not give a satisfactory account, and which agreed with the journey I had made.
- (11) Hill stated that he was with his truck from 4:15 p.m. onwards, whereas we were unable to find anyone who saw him, as he stated, from 3 p.m. until 5:30 p.m., the vital period in which the girls were picked up and slaughtered.
- (12) Statements given by the various witnesses who saw the girls in the truck with the driver wearing steel-rimmed spectacles. He wore steel-rimmed spectacles until the morning after the girls were murdered and then started wearing horn-rimmed spectacles. It was obvious why he had changed, in the hope he would not be identified.
- (13) He lied about his short shirt sleeves. These had obviously become stained with blood when killing the girls, and he had cut them off.
- (14) He lied about not having seen his clasp knife for four months. We had two witnesses who had borrowed it at various times in the month previous

to the murders. One definitely stated Hill carried his clasp knife in his pocket.

- (15) His knife was neither in his kit nor on his person when we searched him. He had obviously thrown it away as it was blood stained.
- (16) The fact that the measurement of the wounds in the girls' throats agreed with the measurement of the blade of an Army clasp knife was most significant.
- (17) He stated that he went to the mess hut for tea on the afternoon of the 19th. He told what he had for that meal. No one saw him there and the meal actually served was quite different from what he said he had.
- (18) His statement to us that he had lost his handkerchief and reported to the quartermaster's stores was denied by the man concerned.
- (19) He remarked to another person the day after the girls were missing and before they were actually found that "there was a bloody murderer in the hut."

§11.20 Trial and execution

The trial lasted four days, during which his defending counsel first sought to prove Hill's statement to me was a true account of what he had done that day of the murders. Later he pleaded that Hill suffered from schizophrenia, and that if he had committed the murders he did not know what he was doing at the time.

Hill did not at any time admit to the killings.

However, the jury found him "guilty" and he was sentenced to death. He appealed but the appeal was dismissed. The home secretary saw no grounds on which to reprieve him. Hill was executed in April, 1942.

Chapter 12
The Potters Bar Golf Course
Murder Investigation
by
George H. Hatherill

This article in substance first appeared in The Medico-Legal Journal, Vol. 24, part IV, in 1956 with R. L. Jackson, C. B. E., Assistant Commissioner, Criminal Investigation Department, New Scotland Yard, London, as author. Grateful acknowledgment is given to the Journal and Commissioner Jackson for permission to utilize this excellent material.

Section

- 12.1 Setting of the crime
- 12.2 Discovery of the body
- 12.3 Pathological examination of the body
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§12.1 Setting of the crime

In the early hours of April 30, 1955, the body of a woman was discovered on the seventeenth tee of the Potters Bar Golf Course. This golf course was about fifteen miles from the center of London and within the area of the M. P. D.

The golf course is bounded in the west by a railway, to the north and northeast there are farm lands, to the

south and southeast is the small town of Potters Bar. Beyond the railway is Cranbourne Road which ends in a cul-de-sac from which a tunnel passes under the railway on to the golf course. The path runs along south of the railway, turns east and passes the seventeenth tee.

At the time in question at a house just off Cranbourne Road were living a man and wife. They were a quiet couple and knew few people in the district. The wife was a woman of forty-six, described as reserved and inclined to be frightened of being out in the dark. On the evening of April 29 at about 8:30 p.m. she, as usual, took her Corgi dog for its evening walk. Her husband stayed behind watching the television. It was her habit to walk along the road up to the end of the cul-de-sac through the tunnel under the railway and along the path to the golf course. At 9:30 p.m. she had not returned and her husband became anxious and went to look for her. He could not find her but found the dog which had returned home. He continued to look for her and, becoming really anxious he informed the police shortly before 11 p.m.

§12.2 Discovery of the body

A search was organized which lasted from 11 p.m. to 1:30 a.m. without success. It was resumed a few hours later and at 5:30 in the morning, her body was found by a uniformed constable, lying on the seventeenth tee of the golf course. It was examined a few minutes later by a local doctor and within a few minutes the first of the officers of my department arrived at the scene. These were Superintendent Crawford, Detective Inspector Hawkins, Superintendents Law and Salter. The body was lying on its back with legs spread apart, the clothes were pulled up, the pants had been pulled off and thrown aside, the inner side of the thighs were stained with blood, and between the legs were certain areas of trodden grass as if someone had knelt there. The head and face were covered with the red coat she had been wearing. When the coat was removed it was seen that she had serious head injuries. The head and face were covered with blood, the false teeth had been knocked out, and around the neck was part of a nylon stocking. The rest of the stocking was discovered near the body. Under

the pants beside the body the police found what was clearly the weapon used by the murderer. This was in fact the tee marker for the seventeenth tee of the golf course. It was made of iron and weighed about three and one-half pounds. It was painted green, much of it was covered with blood, and adhering to the surface were hairs which were later examined in the laboratory and proved to be identical with the hairs of the dead woman. Also found in the laboratory on pieces of the skull were traces of green paint. On the metal at the top was discovered something else, something on which the whole investigation of this case came to be based, the impression of a small part of the palm of someone's hand. Eventually it proved to be part of the palm of the right hand.

§12.3 Pathological examination of the body

At 9:38 that morning Dr. Camps carried out an examination on the scene and later in the day made a post-mortem examination of the body. The skull had been fractured and the brain lacerated in four places with a heavy, sharp-edged object. There was evidence of strangulation consistent with the use of the nylon stocking. On the face there were bruises consistent with blows from a fist. The cause of death was given as shock and hemorrhage due to the injuries, accentuated by strangulation. There was no medical evidence that sexual interference had actually taken place although the denuding of parts of the body and its appearance seemed to point to a sexual motive for the crime.

§12.4 Unusual difficulties of case

This type of murder almost always presents difficulty to the investigator for two reasons. Such murders are seldom committed by those individuals who police officers know to be professional criminals - that is, persons who live by crime and indeed regard it as the only sensible way to live and whose acquaintances are of the same type.

The result of this is that we are deprived of two fruitful avenues of inquiry, namely the files of the criminal record office and the valuable information so frequently obtained from that useful if unattractive character, the

police informant. In the majority of such cases the persons responsible are on the surface ordinary people, doing an ordinary job - such as for instance that of a junior clerk in a local government office.

§12.5 Motive

Furthermore, the motive in such cases, while usually obvious enough, is of little or no help.

I know that proof of motive is by no means proof of guilt, but evidence of such a motive as financial gain is useful in that it points at the particular person who stands to gain from the crime.

§12.6 Palm print files

But in these cases the motive only points to a particular type of mind, the workings of which are concealed even from those most closely associated with its possessor. I need hardly say that none of this does away with the possibility that such a crime may have been committed by someone in the files, and in this case, while Detective Inspector Hawkins and the officers with him began local inquiries, certain routine searches were being made at Scotland Yard in the fingerprint branch. The impression on the tee marker was compared with our collection of palm prints - we have 6,000 of them - without success.

§12.7 Records of sexual offenders

At the same time, the files in the criminal record office were being examined and on May 16 as a result of this examination letters were sent to the chief constables of Cambridgeshire, Bedfordshire, Lincolnshire, Dorset, Suffolk and Surrey, asking that certain men with records for sexual violence should be interviewed as to their movements on April 29, and palm prints were taken. This was done and the only result was that they were all eliminated from the investigation. That was only a beginning.

There were men known to have escaped from mental institutions. There were others without criminal records who had been in Potters Bar that evening and had since left. The letters grew in number until inquiries had

been set on foot in thirty-one counties, and twelve cities and boroughs in the United Kingdom; by the civic guard in Dublin, the provost marshal's department in Germany, and by the police in California, Canada, Australia, Eritrea and the Gold Coast. All without result other than the elimination of the persons referred to in the letters.

§12.8 House-to-house canvass

It is obvious that in a case of this kind house-to-house inquiries had to be made on a very large scale, and it was necessary to augment Mr. Hawkins' team with a number of extra C.I.D. officers from Scotland Yard and other stations. The augmented team amounted to some thirty officers, which was none too many, for before they had completed their inquiries they had to visit rather more than 7,000 houses, taking particulars of more than 7,500 men. Almost at the beginning of the inquiries the police found two people who were actually on the golf course near the scene of the murder at the time it was being committed. A young man and his fiancée were walking over the course and heard a noise which she described as "muffled screams" and he thought were dogs yapping. He also dimly saw human figures moving in the distance. There can be no doubt that what these two people heard and saw was the murder being committed. But such an idea never crossed their minds. Whatever it was they decided was no affair of theirs and they went on their way.

On May 4 in the course of house-to-house inquiries police officers visited the home of a Mr. and Mrs. Queripel and their two sons, Robert and Michael. Mrs. Queripel saw the officers and told them that on the night of April 29 her son Robert had been at the pictures and her son Michael at a local garage with a friend. Whether in fact on May 4 Mrs. Queripel believed that to be true you may judge for yourselves when you have heard all the facts.

§12.9 Palm prints of residents

In addition to all the houses they had to visit, officers visited all the local factories and took palm prints of all employees. The object was to cover the possibility that

the murderer worked in Potters Bar and lived elsewhere. Earlier we had established that the path was used only by local people and there was strong indication that the murderer lived in the neighborhood or knew the neighborhood very well. Two thousand palm prints were taken and were examined by twelve officers of the fingerprint branch who had been taken off all other work. You can easily understand the difficulties of coordinating that fragmentary print with the other palm prints. The work was so tiring that in the end they were split up into groups of three and worked during alternate weeks. By the middle of June it became clear that the search for the owner of that print would have to be on a wider scale, and I gave authority for the palm prints of the whole male population of Potters Bar to be obtained if the men were willing. People are sensible and when the reasons for this were pointed out and that it was hoped everybody would cooperate, they consented.

§12.10 Identical palm prints found

On July 3 police officers again called at the home of Michael Queripel. He was at first unwilling to have his palm prints taken but eventually agreed. His prints were sent to Scotland Yard but it was not until August 19, by which time 8,889 prints had been taken and 4,604 examined, that these prints were reached and found to be identical with those on the tee marker. The discovery caused a certain amount of excitement in the fingerprint branch, who had been working on it for three and one-half months.

About 11:30 that morning the chief of the fingerprint branch came into my office with a photograph of the palm print on the tee marker and the palm print taken from Michael Queripel. We went over the similarities together and when I was quite satisfied both prints were in fact identical I telephoned to Superintendent Crawford, informed him accordingly and instructed him to go to see this young man.

§12.11 Questioning the suspect

He was employed as a clerk at the local council offices. Superintendent Crawford saw him, told him who he was and then asked if he knew why police wished to see

him. He replied, "Yes, I know what it is all about"; after a pause, "I found her, she was dead." Mr. Crawford said, "Your palm print was found on the tee plate. If you found her, why didn't you tell the police." There was a long pause and then Queripel said, "I hit her, then I tried to strangle her." Mr. Crawford then said to him, "Say no more now."

They went to Barnet police station and Mr. Crawford asked if he wished to say anything more and told him that if he did it would be written down. Queripel answered, "Yes, I think so," and at Mr. Crawford's suggestion he wrote down his own statement of what had occurred. Let me read that statement:

§12. 12 Statement made by suspect

"I have been cautioned that I need not say anything unless I wish to do so but that whatever I do say will be taken down in writing and may be given in evidence. M. Queripel.

"I had a migraine attack when I got home from work. I always go for a walk when I get them and I walked up and down the line path for a bit. I then walked under the tunnel on to the golf course. I wandered around and I went into the pillbox under the pipe. I saw her walking towards me with her dog. She walked along the path and I waited until she was out of sight behind the trees. I walked over to the green and waited behind the trees. She came back. I walked through the hedge and ran up behind her and tried to knock her out. She turned just as I was going to hit her. She struggled until I managed to hit her on the jaw. Then I tried to strangle her. I thought she was dead and dragged her over to the hedge where I tried to interfere with her. She was still alive and I had to hit her with the tee-iron to kill her. I hit her several times until we were both covered with blood. Then I ran across the railway line and home through the wood to the Hatfield By-Pass and through Bridgfoot Lane.

"I remember that while we were struggling she screamed and talked to her dog which ran away. She told me not to be silly as I would only get into trouble. She said, 'You silly boy, you'll only get into trouble.' It was then I hit her, she fell against a flag post and hurt her back.

I put my hands round her throat and tried to strangle her. Then I dragged her over to the hedge where I undressed her. Her coat and blouse were torn in the struggle. I ripped off most of her underclothes. She started to come round and I pulled off one of her stockings and tied it round her neck. It broke straight away and then I hit her with a piece of wood which I found under the hedge. The wood broke as well and so I hit her with the tee-iron. I had to hit her several times before I was sure she was dead. I was growing more and more frightened, but I had to make sure she was dead before I ran away.

"I remember she was wearing a red coat and red shoes. I put the coat over her face as she was bringing up blood.

"I wiped my hands on her coat, blouse and pants. I threw the pants to one side.

"After I left the golf course I washed most of the blood off my clothes in the stream at the end of Bridgfoot Lane.

"I then went home and my parents were in bed. I told them the next morning that I had cut my arm round the garage. I told my mother, a few days later, that I had found her and just picked her up to see if she was still alive, to explain the blood on my clothes. My mother told this to my father some days later, when we burnt my clothes.

"I had cut my arm with a razor blade after I got home and I showed the cut to my parents to explain the blood on my clothes because they asked me how it came to be there. I have re-read this statement and do not wish to add to it or make any further alteration."

§12. 13 Conclusion

That was the only explanation which Queripel ever gave for the remarkably brutal murder which he committed. You will notice that Queripel said he had told his mother a few days after the murder that he found the woman and picked her up to see if she was alive, to explain the blood on his clothes. He said that the murder was not discussed. "Mike said nothing about it," she said but she agreed that she had burnt the clothes because there was blood on them. There is little doubt that she and her hus-

band had at least suspicions but it is not surprising that the parents of a boy not quite eighteen did not go out of their way to mention those suspicions to the police.

On October 12, 1955, Michael Queripel pleaded guilty to the murder, and Mr. Justice Hallett ordered that he be detained until Her Majesty's pleasure be known.

Chapter 13
The Investigation of the Murder of
June Anne Devaney
Aged 3 Years 11 Months
by
George H. Hatherill

Section

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- 13.4 Discovery of the body
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- 13.29 Conclusions

§13.1 Area and jurisdiction of the murder

Blackburn is an industrial town with 110,000 inhabitants and is the center of the cotton weaving industry in Lancashire. There are 35,000 houses, most of which are working class type of buildings in close-set compact rows. The town itself lies in a hollow, and in the southeast on elevated ground is Queen's Park Hospital overlooking the town below.

§13.2--Queen's Park Hospital

The Queen's Park Hospital consists of a number of buildings with a total frontage of about a quarter of a mile, standing in grounds covering seventy acres. A high stone wall forms the perimeter of the grounds, except in the northwest corner where there is an abandoned quarry. At this point, due to erosion, the wall has collapsed and a temporary measure of protection has been afforded by the erection of an ornamental fence.

To the average normal person the hospital's only apparent entrance is by the porter's lodge where all persons passing through the gates are checked in and out and the names and addresses and business of the visitors are recorded.

At the time of the murder the hospital was under the control of the local public assistance committee, and was catering to mental patients, aged and infirm persons, maternity cases, general operative cases and children. Each class occupied separate wards specially set aside for the purpose.

In addition, there is also a casual ward where vagrants or tramps are accommodated for the night and averages about ten persons nightly. The population of the hospital, including the staff, is in the vicinity of 1200 persons.

The ward concerned in the murder was a Small Babies Ward situated at the extreme end of the hospital farthest from the lodge entrance. It contained twelve cots and on this particular night, May 14, 1948, June Anne Devaney was the eldest of six patients occupying the ward.

§13.3 Background of the crime

This child was the daughter of a laborer and had been admitted a fortnight previously suffering from pneumonia. She was the only child in the ward old enough to talk and very well developed for her age. This girl had a lovely head of long blondish hair and when in bed could have been mistaken for a child of seven or eight. She had recovered from her illness and was due to be discharged on the morning of May 15, 1948.

On that morning at 12:20 a.m., the night nurse in charge saw June asleep in her cot, then went to an adjacent ward to prepare children's breakfasts. About twenty minutes later she heard a child's voice and went to the ward but found nothing amiss and returned to the kitchen.

At 1:20 a.m., she went into this ward and noticed a porch door open but did not treat it with any suspicion as the door had a faulty catch and often opened of its own accord in a strong wind. She then noticed that June was missing from her cot. The drop side of the cot was still in a raised position and the child appeared to have been lifted cleanly out. (The cot was specially designed to prevent children from getting out and the top rail was about four feet from the ground level). By June's cot was a "Winchester" bottle containing sterile water which the nurse had previously seen on a trolley at the end of the ward—some sixty yards away—only an hour previously. This nurse noticed footprints on the polished floor near June's cot and thought they had been made by someone with bare feet. This ward floor is very highly polished.

§13.4 Discovery of the body

The nurse raised the alarm and the staff of the hospital, after searching the grounds without success, notified the police at 1:55 a.m., when a systematic search of the grounds was carried out. At 3:17 a.m., June's body was found lying near the boundary wall some 283 feet from her ward. The chief constable, the detective superintendent and police surgeon were notified and arrived at the scene at 4 a.m.

The child was found lying face downwards in the grass; her nightdress was partially lifted and was dirty as

though she had been rolled about on the ground. Blood and fluid were exuding from the child's nose and vagina and it was obvious that she had been brutally raped. Her left buttock had been severely bitten and she had been battered to death by being swung against the stone wall by her ankles.

§13.5 Tracing the route of entry and escape

The hospital was sealed off and the assistance of new Scotland Yard and Lancashire constabulary invoked. A bloodhound was brought to the hospital and after being given the scent from the child's bed and the footmarks on the ward floor it cast about and eventually followed the trail leading directly to the child's body and no further.

A widespread search by the police officers showed a trail where the boundary wall joined the ornamental fence. There was a small gap in the fence, and by climbing through this gap it was possible to reach a small ledge skirting the edge of the quarry (some sixty feet deep) and by careful maneuvering, making a way by a lower road back to the town.

§13.6 Clue samples and photographs

A biologist attached to the Forensic Laboratory arrived, and in conjunction with Scotland Yard officers a thorough search was made of the scene of the crime, which included the taking of numerous samples, i.e., hair from bloodstained grass at the scene of the murder; bloodstained grass; hair and fibres from the wall near which the body was found; hairs adhering to a bloodstained stone in the wall; a portion of stone bearing bloodstains; hair from another bloodstained area of the wall; a grass leaf bearing stains; fibres from the window of the room adjoining the ward; fibres taken from the footmarks in the ward. After photographs had been taken and the police surgeon had made a cursory examination of the child's body, she was removed to the police mortuary.

§13.7 Footprints on ward floor

Fingerprint experts examined the ward in which the child had been lying, and examination of the polished floor of the ward showed that someone had entered through

the porch door, walking in stocking feet across the ward to where the "Winchester" bottle had been picked up from the trolley. The footmarks then returned along the side of the wall and there were indications that someone had visited each of the three cots in turn, ending at that occupied by June, where the bottle had been placed on the floor. The footmarks were found to be ten and one fourth inches long. These prints were only fragmentary, the pressure of the feet having made micro-shallow indentations in the thin layer of polish, but by getting down to within a few inches of the floor they could be seen by specular reflection. Several kinds of powder were applied to the floor for the purpose of making the prints more easily seen, but as none had any effect, the prints were circled with white chalk so they could be located from a standing position.

The toes of the prints near the cot were at right angles to the cot and actually under its edge.

§13.8--Photographing the footprints

Eight of the most complete and distinct right and left footprints were photographed and labelled by specular reflection (orthochromatic and processed plates were used in a half-plate camera. Lighting was by one 500 watt lamp).

Knowing that to photograph them the camera would have to be tilted at an unusual angle, it was appreciated that considerable amount of distortion would show on the negative. A fifteen inch ruler was placed along each print so that it was included in the negative and when the negative was later placed in the enlarger, it was possible, by using the ruler as a standard, to make the necessary adjustments and reproduce the footprints in actual size and true perspective. A very close examination of the footmarks showed that they had been made by stocking feet and one footprint showed the texture of the woven fabric of the sock quite clearly. An examination of wax scraped off the floor, of one of these prints, after photographing, revealed certain fibres embedded in it. These fibres were not visible to the naked eye.

It was obvious that the person who had walked in stocking feet across the ward had picked up the "Winchester" bottle from the trolley.

§13.9 Finger and palm prints on Winchester bottle

A careful examination of this bottle showed at least twenty finger and palm impressions. It was noticed that some of the impressions had been made quite recently and that others were old. The fresh impressions were seen to be much larger than the old ones. After the latent impressions on the bottle had been developed, it was put into a place of safety and the examination of the whole interior of the ward was commenced in a very thorough manner. In particular, anything that could bear latent fingerprints was seized and taken for examination. After fifteen hours search and examination of the ward in the area, the following points were established:

- (a) that no member of the hospital staff had been in the ward in their stocking feet;
- (b) that the bottle was normally kept on the trolley at the north end of the ward and not on the floor beside June's cot;
- (c) that none of the staff had carried the bottle from the trolley and placed it on the floor.

The fingerprint experts then took finger and palm impressions of all people who had legitimate access to this bottle. This elimination process was widened to include any person who, for any reason, would go to this ward.

Eventually it was established, with the exception of ten finger and palm impressions on the bottle, that all the other fingerprints found outside and inside the wall were eliminated as having been made by persons with legitimate access to the premises. It is of interest that the only impressions on the bottle which were not identified were the freshly made marks to which reference has already been made.

The impressions on the bottle consisted of a left thumb print, left fore, middle and ring fingerprints and a left palm print. There were also impressions which appeared to have been made by the right middle and ring fingers. The remaining three were fragmentary finger and palm impressions. Of these impressions, three had been made by a simultaneous grip - these were the left fore,

middle and ring fingerprints. A left thumb print appeared on another part of the bottle and it was reasonable to assume from the size and texture that it was the impression of a digit of the same hand which had made the three simultaneous impressions.

A simplified scheme was brought into bear for the purpose of identification, which required the taking of the left forefinger impression and the left thumb impression of each person to be interviewed.

§13.10--Conclusions

There appeared no doubt that the footprints and the finger impressions, to which reference has been made, on the "Winchester" bottle were those of the murderer. (The elimination prints at the hospital alone were over 2,000. Those persons having legitimate access were eliminated).

§13.11 Screening of hospital staff and inmates

A special squad of officers commenced from the outset to make inquiries into the movements of the staff and inmates at the time of the murder.

§13.12 Examination at the mortuary

Post-mortem examination of the child's body revealed that death was due to shock caused by a fractured skull and extensive injuries to the vagina and internal organs. It was also found that the bite on the child's buttock had been made before death as had a bruise on each of the child's groins. The internal injuries were consistent with rape.

Certain specimens were taken from the child's body by the forensic scientist and they are listed below, the significance being as to their great use after the murderer had been arrested. This list also includes the fibres which the scientist had already taken and to which reference has been made. These specimens were, of course, obtained in conjunction with the senior police officer on the inquiry:

- (a) Fibres from the window of the room adjoining the ward.
- (b) Blood and hairs from the boundary wall of the hospital.
- (c) Fibres found on the child's body.
- (d) A single pubic hair found in the area of the child's genitals.
- (e) Samples of the child's head hair.
- (f) Sample of blood taken from the child's heart.
- (g) Child's nightdress.
- (h) Vaginal swab.
- (i) A rectal swab.
- (j) Fibres taken from the footmarks in the ward.

These above were the clues, along with the fingerprints on the "Winchester" bottle and the fibres found in the ward.

§13.13 Local inquiries by police

On May 18 police ascertained that a taxi driver, shortly before midnight on the 14th of May, picked up a man in the town's center on the road which leads to the hospital, and let this man out in Queen's Road near the quarry previously referred to. Upon leaving the taxi the man had run across the quarry and was last seen going in the direction of the hospital. The taxi driver was unable to give a very full description of the man but expressed the opinion that he spoke with a local accent. It should be realized that a strong Lancashire dialect exists in this locality.

§13.14 Conclusions reached by investigating officer

- (1) The fingerprints on the "Winchester" bottle were undoubtedly those of the murderer and all males in the hospital and all persons having legitimate access to the ward had been fingerprinted and eliminated.

- (2) The wanted man was a resident, with local knowledge of the hospital and its environments, particularly in view of the taxi driver's statement, as only a person with such knowledge could negotiate the edge of the quarry in the darkness.
- (3) The man was reasonably tall. A small person could not have taken the child cleanly out of the cot without dropping the cot's side, nor would such a person be likely to have feet ten and one fourth inches long.
- (4) The person's clothing would be bloodstained.

Having arrived at all these conclusions, it was then decided as to how the best use could be made of the murderer's fingerprints for the purpose of identification.

§13.15 Fingerprinting residents of area

It was decided to obtain the fingerprints of all male persons of sixteen years or over, who were known to have been in Blackburn on the 14th and 15th of May, 1948. The mayor of the town was approached and through the medium of the press, an appeal was made to the public and the mayor volunteered to be the first person to have his fingerprints taken. The public were assured that when these prints had served their purpose, they would be publicly destroyed.

Public feeling with regard to this murder was very high and it was found that, with a very few exceptions, the public were most willing to cooperate.

A special squad of twenty local officers were taken off all duty with the object of obtaining the left thumb and forefinger impressions of all males. To ensure that the fingerprint check would be systematic, it was carried out to a pre-arranged plan. Lists known as electoral registers were used to ensure that every one of the 35,000 houses in Blackburn was visited. These registers are prepared each year on June 30 and are records of all persons over the age of twenty-one years entitled to vote. Blackburn is divided into fourteen such voting divisions, which are further subdivided into three, four or five sections accord-

ing to the size of the area. The sub-sections are then set in alphabetical street or road order for further convenience.

§13.16 Fingerprinting visitors to area

Armed with supplies of fingerprints and ink pads, the twenty officers were sent out daily to cover predetermined districts. While these visits were being made, inquiries were made on foot for information of persons not normally resident in the town but who were in Blackburn on the night in question. Each night such information, together with the completed fingerprint cards, were handed to the officer in charge of the squad.

§13.17--World-wide inquiries

The information respecting people who had been in Blackburn on the night in question resulted in inquiries being made of police in Australia, Singapore, India, Egypt, South Africa, Canada, the United States, almost every country in Europe and to all parts of the United Kingdom. In all these places persons were located and fingerprinted for elimination from the inquiries.

As the fingerprint cards poured in, a card index system was evolved which was kept by four women police under the control of a male inspector, and these cards were sent from Blackburn to the fingerprint headquarters in Lancashire and after comparison were sent back to Blackburn stamped "Cancelled."

§13.18 Special class fingerprinting

In view of the peculiar nature of the crime and its implications, the following classes of persons were also seen and fingerprinted:

- (1) About 4,000 persons discharged from mental institutions in the north of England, many of low mentality, some of whom had been convicted and involved in indecency offenses.
- (2) About 3,000 male persons of uncertain nationality, German prisoners of war and Polish Army

personnel, residing in camps situated within a radius of twenty miles from Blackburn. This work was suggested by the biting of the child, not normal in Great Britain but frequently committed on the Continent in crimes of indecency.

- (3) Persons suffering from epilepsy or schizophrenia who could possibly have committed such a crime during temporary black-out.
- (4) Persons suffering from venereal disease as it is a mistaken but accepted notion amongst certain individuals that sufferers of this disease who have sexual intercourse with a virgin or young child will effect a cure.
- (5) Persons known to be suspected of committing sexual offenses contrary to nature (i. e. , homosexuals and the like).
- (6) All persons committing or attempting to commit suicide.
- (7) Tramps and other persons forming the moving population of the area on some previous occasion and familiar with the hospital.
- (8) All persons missing from home in the United Kingdom at the relevant period.

§13. 19 Recheck for persons not fingerprinted

After this lapse in time and the murderer had still not been found, it was felt that despite all inquiries, there were fingerprints still to be obtained from a substantial number of persons in Blackburn who must have been missed in the check of local records. To make thoroughly certain the local registration officer was approached. In Blackburn new ration documents were issued to the public between June 30 and July 18, 1948, and before they were handed over, a reference leaf from the documents used during the previous year had to be completed and returned. Unless this was done, the new document was not issued. The reference leaf gives the name, address, date of birth

and national registration number and these were filed in strict alphabetical order at the registration office.

§13.20--Further fingerprint checking

On July 18, fingerprinting was suspended for two weeks and the fingerprinting squad worked at the registration office. A system was evolved whereby the lists of fingerprints obtained were compared with the ration documents handed out to the population of Blackburn. From this a list of people who were still to be seen was prepared.

House to house fingerprinting was resumed on August 9, the officers being furnished with lists giving particulars of specified persons whose finger impressions were needed to complete the complete fingerprint check for the whole town.

§13.21 Fingerprints of suspect

On August 11, 1948, one of the fingerprint squad obtained the fingerprints of Peter Griffiths, an ex-guardsmen aged twenty-two, at his home, 31 Birley Street, Blackburn. His card, with others, was sent for checking to the fingerprint headquarters the same day. On August 12, after thorough examination, it was certain that the impressions on the bottle were identical with those of Griffiths.

Griffiths' name did not appear in the electoral register as he had not qualified for inclusion as a voter when the lists were last prepared.

§13.22 Arrest of suspect

On Friday night, August 13, Griffiths was arrested by the Scotland Yard officers near his home (almost thirteen weeks after the murder). When told that he was going to be arrested for the murder of June Anne Devaney and told anything he said would be taken down in writing and might be given in evidence, he replied, "What's it to do with me, I have never been near the place." On the way to the police station he turned to the officer in charge of the case and said, "Is it my fingerprints why you came to me?" He was again cautioned and the officer said, "Yes."

When Griffiths arrived at the police station with the officers he suddenly said, "Well if they are my fingerprints on the bottle I will tell you all about it. "

§13.23 Confession by suspect

Shortly after this, at the police headquarters, he made a lengthy statement admitting his guilt. That same night he was charged with the murder of June Anne Devaney. After he had been charged he was told that he was not obliged to have his fingerprints taken unless he wished, as they might be used in evidence, and Griffiths said, "All-right, you can take them. " These fingerprints, palm prints and prints in his stocking feet, after comparison, resulted in ten of the twenty fingerprints found on the "Winchester" bottle being identified as those of Griffiths.

Later the same day certain clothing was removed from the home of Griffiths and the suit which he had worn on the night of the murder was recovered from a pawnbroker's office. These were sent by police to the Forensic Science Laboratory.

§13.24 Examination of the accused's suit for bloodstains

The suit was examined, human bloodstains were found in sufficient quantity for grouping purposes on the lining inside the trousers at the bottom of the fly. This blood was classified as Group A, the same group as the sample taken from the child's heart.

Further traces of blood were found on the lining of both trouser side pockets and on the whole of the bottom of the trousers' fly. Bloodstains were also found in the following positions on the jacket:

- (1) On the lining at the bottom of each sleeve.
- (2) On each lapel.
- (3) On the right front above the top button and inside the right edge in the same region.
- (4) On the top button and near the right shoulder.
- (5) Inside the right bottom front.

§13.25 Result of tests at Forensic Laboratory

- (1) Fibres removed from the window were identified with those of the accused's suit.
- (2) Fibres taken from the child's body were found to be woollen fibres ranging in color between blue and violet, agreeing exactly with those of the suit.
- (3) Hair from the genitals was identified as being from a mature person. As the accused refused to give a sample of his pubic hair, a comparison could not be made.
- (4) Nightdress. On this was found a number of wool fibres agreeing with those of the accused's suit.
- (5) Fibres taken from the footprints in the ward were found to be blue and red wool fibres, matching with those in a sock removed from the accused's home. The sock was blue/grey in color with a band of red around the foot.

§13.26 Conclusions reached by police

Griffiths was 5' 10-1/2" high, a local man with a good knowledge of the hospital grounds - in fact he had been a patient in the very block of buildings from which he took the murdered child. His clothing was bloodstained; in addition he was afterwards identified by the taxi driver as the man he said was near the quarry, and that of the evidence of the fingerprints on the bottle and Griffiths' signed statement also confirmed that he had taken the same route to leave the grounds after committing the murder.

§13.27 Police court proceedings

Griffiths appeared at Blackburn Borough Magistrates' Court and was eventually committed to take his trial at Lancaster Assizes on October 15, 1948. On that date he pleaded 'Not Guilty' and the whole of the evidence for the Crown was presented. The defense attempted to show that Griffiths was a schizophrenia case and was insane when he committed the crime. This evidence was rebutted by the medical officer from Liverpool prison who had had Griffiths

under continual observation since his admission to the prison on August 14, and he had reached the conclusion that he was sane when he committed the crime.

After an absence of only twenty-three minutes, the jury returned a verdict of guilty and Griffiths was sentenced to death. He was hanged at Liverpool prison at 9 a.m. on Friday, November 19, 1948.

§13.28 Destruction of fingerprint cards

On Wednesday, November 3, in the presence of the mayor of Blackburn, journalists and press photographers, all the 46,500 fingerprint cards of the eliminated people were pulped at a local paper mill.

§13.29 Conclusions

- (1) The importance of police officers ensuring that all material found at the scene of the crime is not interfered with in any way. In this case irresponsible handling of the "Winchester" bottle would have made the clues useless.
- (2) The necessity for the immediate calling in of experts to deal with the material found on the spot.
- (3) In cases of serious crime where the feeling of the public is aroused, one should take advantage of the situation and seek their cooperation. It is realized that much useless information would be submitted but amongst it all there may be something absolutely vital, in this particular instance the statement of the taxi driver.
- (4) The value of perfect cooperation between police forces. In this case the cooperation of forces on a world-wide basis was sought and freely given.

The solution of the Blackburn murder was a victory for all law enforcement. It was based on a thorough knowledge of police work and the utilization of scientific techniques - in fact a victory achieved through a combination of ingenuity and tenacity. The decision to fingerprint all male citizens in a heavily populated area established fingerprinting in this case as the soundest medium of identification.

Chapter 14
**A Photographic Study of a
Homicide Case**
by
David E. Kerr

Section

- 14. 1 Introduction
- 14. 2 Scene of the crime
- 14. 3 Location and condition of body
- 14. 4 Cause of death
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- 14. 13 Circumstantial evidence
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§14. 1 Introduction

The following photographs of an actual homicide case demonstrate how the Cleveland Police Department Homicide Unit operates. They also demonstrate what can be accomplished by any other law enforcement department — with some effort, cooperation and intelligent use of the available scientific aids and expert advice from people active in the medical-legal field.

I received a telephone call from our radio dispatching room (as seen in Fig. 48) informing me that a man who appeared to be dead was found in the rear of his tailor shop. I immediately alerted two homicide teams, and we



Fig. 48

responded to this location. As we were driving to the scene, we noticed that a light rain was falling.

§14.2 Scene of the crime

Figure 49 is the tailor shop and the location of the crime. One will note that the police are already there and the place has been secured so that no outsiders might interfere with the investigation or destroy or damage any evidence which might be available to aid in the solution of this particular case.

Numerous police are inside conducting their own investigation. Uniformed police have a very important part in every investigation, but they should function in their own phase of police work.

Very often they are the first officers to arrive. They should confine themselves primarily to seeing that not a thing on the premises is touched. Too often, a uniformed officer is apt to forget this important rule.



Fig. 49

§14.3 Location and condition of body

As we walked by the partition, we observed a body lying on the floor. An old overcoat was thrown over the upper portion of the body. Figures 50, 51 and 52 show the scene which confronted us.



Fig. 50

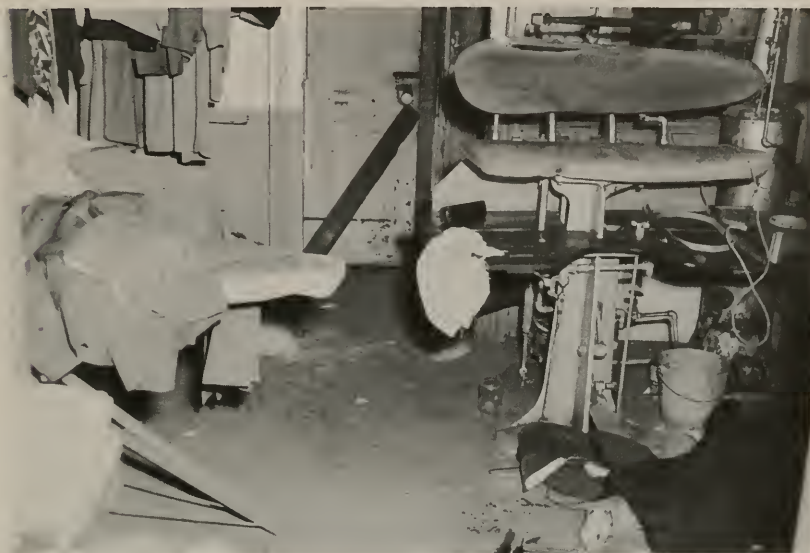


Fig. 51



Fig. 52

Directly to our right, we noticed a flat iron by the leg of the stove near the left leg of the victim. Many other misplaced articles were observed. Especially, we noted a large roll of wrapping paper with spots on it. (Fig. 53.) These spots were red and had the appearance of blood.

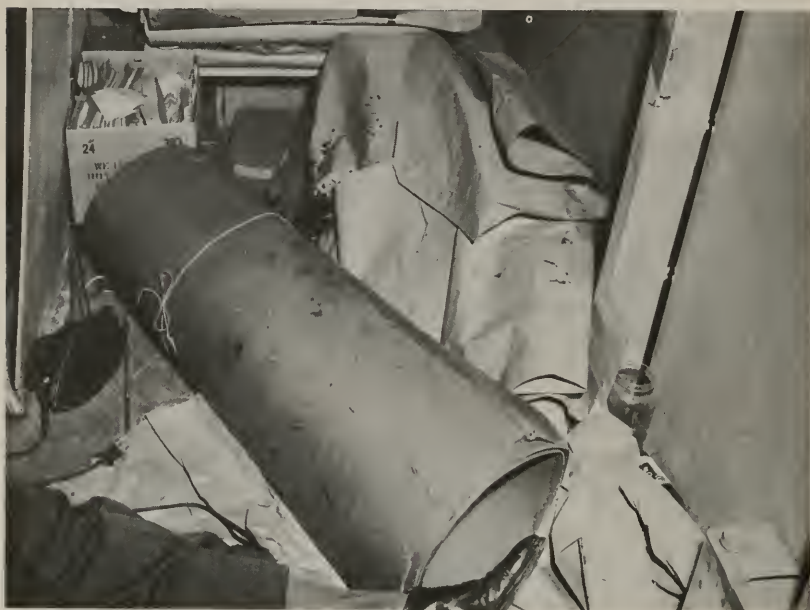


Fig. 53

The coat was removed to reveal a male with a large amount of blood around his face, mouth and head. (Fig. 54). There was a definite indication that there had been a violent struggle prior to his death.

§14.4 Cause of death

In this particular case, a snap judgment was made not only by the police, but by others. Newspapers carried headlines — "Tailor dies from beating with flat iron."

This was a good example of an honest mistake. Only careful criminal investigation will determine the real cause of death.

The direct cause of death was communicated to us within a short time via a telephone conversation with the coroner's office. Figure 55 shows a bullet hole, and from its location on the victim's clothing it appears very close or near to the heart. Further examination indicated that the



Fig. 54



Fig. 55

gun was fired from a close range.

Coroner Samuel R. Gerber also informed us that there was no evidence of blood on the flat iron. From his examination of the wounds on the head, he was positive the flat iron was not used. He was of the opinion that the wounds were caused by a butt of a gun or similar object.

§14.5 The killer's hat

Immediate search of the premises was made and the hat, seen in Figure 56, was found. It was the only garment or object in the tailor shop that had any indication of being wet.

It had a few spattering drops of rain on it. These justified our conclusion that whoever committed this homicide was out in the rain a very short time. Here was our first clue. Truthfully, we were extremely disappointed that the owner failed to leave his name and address in the hat. This good fortune has happened in many other cases, however, examination of this hat failed to reveal any marks whatsoever — not even the size.

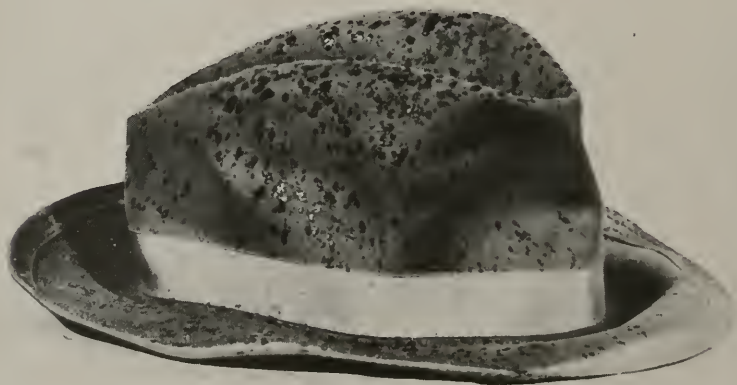


Fig. 56

§14.6 The killer's automobile

Men were assigned to check the immediate vicinity (Fig. 57) for information of suspicious persons recently seen or the possible identity of any witnesses to this crime. Also, all autos in the locality were checked. There was the possibility that the guilty party or parties could have had trouble with their car in their escape, whereby it would have been left at the scene. This routine investigation was made and the automobile you see here in Figure 58



Fig. 57



Fig. 58

was found to have a warm radiator. Furthermore, it was parked at the entrance to a garage and in a no-parking area.

This led us to a further suspicion. It was very possible that the individual responsible for this crime could have used this car. Homicide men were immediately assigned to ascertain the ownership of the car.

§14.7 Spread pickets in fence and footprints

On further search in the vicinity and a short distance from the car, we noticed a newly erected fence which had recently been painted. We observed that two of the pickets on the extreme left end had been recently pushed apart. Examination of the pickets, seen in Figure 59, showed a large smudge of some tar-like or greasy substance on the edges. These marks appeared to be fresh. On the other side of the fence, a shoe print — in soft earth — containing freshly



Fig. 59

broken twigs was found. (Figs. 60 and 61). There was no doubt it was made a very short time before.

Closer examination revealed a unique type of marking on the sides of the sole and heel.



Fig. 60



Fig. 61

§14.8 Unusual sole and heel markings

A number of fine grooves on the sides of both the sole and heel were noted giving the appearance of an extremely thick sole and heel.

This print was a most valuable piece of evidence. If the individual who jumped from the fence was the party wanted in the homicide, a positive identification of the shoe could be made.

A cast of the print was processed. Samples of dirt with the greasy material on the fence pickets were taken for scientific study. The positive cast of the side of the print found in the soft earth was most important. (Fig. 62).



Fig. 62

§14.9 Tracing the car

The men who had been assigned to trace the car found it to be listed to a young lady. On questioning her, they learned that her boyfriend had borrowed the car the night before. Furthermore, he was employed in a railroad roundhouse. At this point, we knew he was a good suspect, for the shoe print found near the crime would be from the type of shoe worn by a person employed in a roundhouse. His address was obtained from the girlfriend.

§14.10 Interviewing the suspect

Shortly thereafter we arrived at his residence.

He was very nonchalant and at the time of arrival had a cold can of beer in his hand. Figure 63 shows four or five very recent scratch marks were on his face.

We asked him how he happened to obtain the cuts on his face. He replied that he had recently shaved with a very bad razor.

§14.11 Search of suspect's home

Common knowledge reveals that it is very unusual for a man to shave the lower part of his forehead, the lobes of his ears, between his eyes and along the sides of his nose.

We let him believe that we accepted his explanation, and started a search of his home. One of the detectives went into the bedroom where he found one shoe under the bed. Further searching resulted in the other shoe being found. (Fig. 64). We asked the suspect who owned the shoes. He



Fig. 63



Fig. 64

stated that they belonged to his brother. "Well, " we said, "just for fun, let's try them on." He tried them on and as seen in Figure 65 they fit exceptionally well. It was easy to see who owned the shoes. We later learned he had no brother.



Fig. 65

§14. 12 Examination of suspect's clothing and body

We then made a very thorough examination of this suspect. By pulling up his pants legs, we found some red blotches which appeared to be blood on one of his socks. (Fig. 66). The socks were taken off and submitted to the coroner's office for examination. Further examination of



Fig. 66

the suspect revealed a number of recent bruises and contusions on his legs and scratches of his hands.

§14. 13 Circumstantial evidence

He was taken to Central Station. In the office of the Homicide Unit, he was allowed to tell his own story of his activities for the previous twenty-four hours.

It was packed with lies.

After he told his story he was confronted with the following facts which we had obtained in our investigation and other scientific evidence furnished by our scientific unit and the coroner's office:

- (1) The hat found in the tailor shop fit him.
- (2) The car which he had been using was parked a sufficient distance from the crime scene to enable him to get the hat spotted with rain.
- (3) The size of the sole of his shoe was just right to spread the fence pickets.
- (4) The grease on the sole of his shoe was similiar to the grease on the picket fence.
- (5) The dirt found between the sole and the heel was the same type as that found by the shoe print in the soft earth.
- (6) The marks on the side of the sole and heel of his shoe matched the positive cast made of the recent shoe print found in the vicinity of the crime. (Fig. 67).



Fig. 67

- (7) The stains on his socks were human blood of the same type as the victim's blood.
- (8) Numerous unexplained bruises were on his knees and legs while scratches were on his hands.
- (9) The marks on his face, ears, nose and forehead were not razor cuts but scratches.

§14.14 Confession, trial and sentence

The suspect made a confession, stating that he only planned to rob the tailor. The victim, however, put up a terrific fight in attempting to save \$63.00, so it was necessary to kill him in order to escape.

He plead guilty and was granted mercy by three judges. He was sentenced to life in prison.

§14.15 Conclusion

These photographs represent a routine investigation of a homicide.

This can be done by any department — if the personnel will put to use the training they receive and remember that there is no magic formula for cracking murder cases — except hard labor, considerable foot work, attention to detail, full use of scientific aids, a wide knowledge of human nature and an abundance of patience.

Chapter 15
Psychology of Interrogation
by
The Staff of the Law-Medicine Center

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- 15.51 --Physical threats and violence

§15.1 Introduction

There are similarities between the work of the psychological therapist and interviewer and that of the police interrogator in terms of the underlying forces each must deal with even though the problems faced by each are substantially different.

The psychologist runs into his most serious problem in this way: people come to him wanting some assistance but at the same time they are afraid to reveal information which it is absolutely necessary for the psychologist to know in order to give assistance. The psychologist's problem is how to overcome these forces which prevent the person who is being interviewed from speaking freely.

§15.2 Aim of the interrogator

To start off, look at interrogation from the standpoint of what you are trying to do. The minute this question

is raised it is obvious that there is no one aim for any particular interrogation conducted.

In many instances the aim of the interrogator is to get direct information about the crime or the criminal: to get certain kinds of facts which will enable him to build a case showing that a certain person did something or that some other person did something. Often, questioning about material that is not immediately pertinent to the crime itself will be involved. You may be interested in collecting a long chain of facts about events preceding the crime or events following the crime. There may be a great deal of additional work involved in running down certain leads, in investigating certain circumstances, such as the status of a man's employment as well as his financial situation, whether or not he has made any big loans lately or has purchased any big items of household equipment, and so on. So it is usually necessary to do a lot of background detective work in order to conduct a successful interrogation, and this work frequently involves talking to people who are not directly involved in the crime itself.

§15.3 Fishing for information

A good many times we interrogate people not because we know what we want, but in order to stimulate ourselves and get new ideas. If you are going to be at all creative in seeking information about where to look for facts or what kind of facts to look for you have to be receptive to new ideas. New leads are the result of listening to many different people with different kinds of ideas. Many times when we are interviewing, we are searching around to see what we may possibly find.

§15.4 Search for the motive

There is another kind of interviewing which is quite different from the two already mentioned, which are factually oriented. It concerns a search for the motive behind a particular crime: why did somebody do something or what could have been the reason behind his planning to do it? In many instances such an approach is important not only for revealing the identity of a suspect, but also because it aids in locating other people who might possibly be involved.

§15.5 Establishing basis for further interviews

There is another consideration which is not commonly thought of as a purpose of an interview. Sometimes we want to conduct an interview not to find out anything that we do not already know, but rather to establish a basis for further interviewing. A man may be brought in. We know a good bit of what he will probably tell us in the first interview. But this initial interrogation can be looked at as having the purpose of establishing some kind of relationship with this man, so that later on another kind of interrogation can be held with him.

We should not overlook the importance of establishing some kind of relationship initially even if no new facts are developed. This would hold true, of course, of witnesses just as well as it does of suspects, or people who are relatives or who know something about the suspect's habits. Many times these people are loathe to discuss matters with us; they do not know exactly what we have in mind, and they are afraid we are trying to pin something on them. In these kinds of cases the value of making an initial contact is obvious -- to make it a rather easy, comfortable sort of thing, so they discover during this time that a police officer is not as bad a person as they thought he was. Then when you go back another time you have more of an open door, and the chances of pushing a little bit further to get some kinds of data you want are much better.

§15.6 Creating the talking behavior

Now if we look at what is actually happening in an interview, we see two people talking to one another. But talking, like any other form of behavior, must derive from some kind of inside forces: motives or needs or desires. Everything we do goes back ultimately to something that an individual either wants or fears. It is easily understood that when we come down for breakfast in the morning we are hungry, since the hunger we wish to satisfy leads to that behavior of going down and eating. When we go to work, we go to work because we want the admiration of other people, we want money, we want the things that money will buy, and so on. And all of these motives are the things that produce in us a certain kind of behavior.

Now the behavior that we want to produce in an interview is talking behavior, and we might very well consider the problem to be how to get people to talk about things that they do not want to talk about.

Let us picture a witness or suspect who is being interrogated. We can begin to diagram the forces acting on this person for and against talking. Some of these forces are going to push him in the direction of saying more and more. There will be other kinds of forces, however, which will push him in the direction of not saying anything at all or of distorting what he has to say. We look at some of the pressures that are on the witness himself.

§15.7 Forces against talking

One thing we have to remember is that any kind of talk is always opposed by our forecast, our prediction as to its consequences. Let me give you a very simple illustration of this. Suppose I ask for questions from a group. I've done this for many classroom groups and discover that I get a vast silence. Now I know that there are people who have questions there, they have something, some comment, some point that is not clear that they would like to ask; but they do not ask. Now what is the force in the negative direction against talking when they actually have something that they want to ask? Inside, they are forecasting certain kinds of outcomes if they do talk. They think, "People will laugh at me. My question will look ridiculous," and so on. It is their anticipation of the unfortunate results that are going to come that produces silence.

§15.8--Silence as a lever

Silence can sometimes be used as a lever. If we allow silence to exist for a while, people want to talk in order to break it up. But in the case of witnesses and suspects, the fear as to the consequences of their talking may be very great, and the end result is they will be quiet about areas which actually could not harm them, but which deprive you of very valuable information. It deprives you of the information, for example, that the silent person himself is innocent. This information would enable you to conduct

your investigation much more quickly if you knew that he was not really implicated at all.

§15.9--Guilt feeling

Many innocent people have backgrounds of things they have done that have never been discovered. I assume that that is true of practically every person in this room. Sometimes they are actual criminal acts, sometimes they are not, but are just things of which a lot of people in society disapprove. So people carry around with them a substantial amount of guilt feeling.

A psychologist gets to know this quickly, and I suppose that police do, too.

This kind of thing has happened: I remember I was in the Navy and went to the Officers' Club to swim one afternoon. A pretty girl in a bathing suit was sitting over on one side of the pool and I went over to talk with her and we were having a very pleasant chat. I found out that she was an officer in the Women's Marine Corps and finally she asked me what I did. And I told her, "I'm a psychologist and I work at the psychiatric unit." Now our pleasant conversation stopped at that point because she began to giggle and say, "Well, I suppose you're going to make a case out of me."

Now what was actually happening here? She had certain feelings about things inside herself and she thought quite incorrectly that I could somehow or other penetrate right through--you know, with that piercing eye--and realize all the shady, terrible things about her. It never dawned on her that I might not think they were as terrible as she did, because we pass judgment on ourselves, and it is this self-judgment that determines the amount of fear.

So when people are faced with a policeman, they have exactly the same kind of reaction, except that they have to "clam up" pretty well because they don't know what to expect and they are in the presence of someone who has power over them.

§15.10--Childhood experiences

I think it is interesting to illustrate this with things that happen in our childhood. If we go back to child-

hood we remember that a child faced with Daddy and Mamma is small and has very little power compared with the parental power. Consequently, they quake in their boots and they feel that there is a piercing eye looking through them which is going to find out all sorts of things they have done. You see, with children this is pretty much true because Mom and Dad know a great many things that go on that children don't know they know, and for some reason or other when a child lies to his parents, he gets caught in it rather quickly in most instances.

§15.11--Fear of police authority

When people are interviewed--I do not care whether they are guilty or innocent--by a police officer, there is a replay of this same old pattern of being faced with your powerful father or mother who is holding a whip behind him, you see, an indication of what he or she can do. All those old feelings that he can see through me, and I have got to be very careful, come back up. It is this fear that serves as a very important source of decreasing a person's willingness to talk about things which, so far as the police are concerned, are of no interest but which, if they could be revealed, would get a lot of deadwood out of the way. One of these fears is that perhaps the police believe him to be a criminal or believe that he aided a criminal, or something of that kind.

§15.12--Fear of reprisal

Another one is that if he talks someone else will "get" him. Most police have run across this fear in criminals who have connections with the underworld and even occasionally with persons who have rather standard connections in one way or another. Recently, we had an experience with a man whose crime was actually known. He had certain information which we wanted about some other things--revealing it could not have gotten him into much worse trouble than he was in already, because he had a fairly long prison record. But he wouldn't talk to us. One reason why he wouldn't talk he quite frankly told us. He said, "When I go to jail, I am going to the pen. When I go, if people know I

talked, they'll get me in there." We said, "Go on, they won't get you in the pen." He said, "You don't know what it's like in there," and then proceeded to lay out the details of how this would be done. And it can be done, believe me. This fear of reprisal is a very powerful motive in the case of people who have underworld connections.

§15.13--Hatred of police officers

Another factor which prevents some people from talking is hatred of police officers in general. Police public relations as a whole have been terrible. The policeman has been presented to the general public not as the defender of law and a person of justice, but as somebody who is out to get you. The end result of this has been that many people, from the time they are children, dislike police officers and feel that they are essentially sadistic, cruel individuals who are going to take every chance they can to stick them in jail. We know that some people have this attitude about policemen. They shake in their boots when they see even a traffic officer passing in a patrol car.

A hatred of police stemming from early days (maybe when the police chased a gang of kids out of the street or a number of things of that kind) can come back home to roost when this person, who is innocent but who has information that could help the police, decides that since the police have nothing on him he does not have to talk; it isn't his problem if the police fail to get their job done. This is a minor consideration and it does not happen in every case. But it is something that you can do something about in an interview. If that force can be reduced in some instances, it will help out.

§15.14--Desire to protect another person

Another obvious thing that causes a fear of talking is the desire to protect another person. A good many times a wife or a mother or someone else who has a special interest in another person really believes that the suspect is not guilty and continues to withhold helpful information. Such an individual usually rationalizes such an act by pretending that the requested information is not really of any

importance, it is not specifically connected with the crime. etc.

§15.15--Fear of testifying in court

There is another force that is sometimes present in the case of innocent people who are witnesses, and that is fear of being called to testify in court. They fear lawyers who, they believe, can twist around anything they say and make them look terrible. Therefore some people will not talk because they are afraid they will get mixed up in a law suit. They do not know how to handle this thing and they want to be left alone.

There are some rather simple things, too, that go along with this being afraid to talk. These are even less important than the other things mentioned, but taken as a whole they add up.

§15.16--Strangeness of the situation

For example, the very strangeness or newness of the situation bothers many people. A good many of the people you meet in interrogation have never been questioned by a police officer before and they do not know what it is about; they are confused, and the very strangeness of the situation makes them cautious.

§15.17--Lack of memory

We also must admit that although lack of memory is not an emotional force that it is present. In many instances there is a genuine failure to remember certain kinds of details. If you are pressed and pressed and pressed for a certain source of detail, you may try very hard to remember it and still not be able to recall it. Then if you are accused of being insincere you lose all your desire to tell anything at all. We have to recognize that there are conditions which make for good memory and poor memory. As an example, remember that in an examination where students are trying to get good grades, if they are very anxious and jittery, they may forget a good many things which they have studied and known an hour before. The same kind of thing

can happen to a witness. He may know certain things, but the conditions of the interview may be such as to upset him enough to get jittery, and then he can't do this delicate thing that we call remembering.

§15.18 Forces encouraging talking

This all makes police interrogation sound pretty difficult, because there are these forces which prevent people from talking or cause them to withhold information. Things are not quite as bad as that. There are many other forces which make people want to talk and want to comply with what the examiner is asking them.

§15.19--Desire to appear in court

There are at least a few people who are willing to talk because of the desire to appear in court. That is, to some people it is a big thing. For the first time in their drab little lives they find themselves confronted with a situation where they are kind of a key person. Such people frequently can distort things, in that they'll talk, but they'll say things that will make them look more important and give them more prestige.

Even though this distortion can take place, we should remember that the desire to be important, to appear important, is a powerful motive working in favor of the police officer in a lot of instances. The concrete application of this is that if you handle a person in such a way as to help him feel that you know he is important, he will most likely talk more. Remember that many people who are interviewed by a police officer either in their homes or standing on the street corner immediately become centers for attention and speculation by others. This enables such an individual to hold forth about how important a part in some dramatic event he has played. This is one of the forces motivating people toward the goal of revelation.

§15.20--Fear of consequences of withholding information

Another important motive in favor of talking about things is one of the fear of the consequences of withholding

information. It is easy enough to think that if a person keeps quiet he will be safe, but people know that this is actually not true. One of the things we found out when we were little was that even though we didn't tell Dad and Mom something, somehow or other by a few inquiries they could find out what actually happened. Then we found out that the punishment was worse than if we had admitted it first. Consequently, people who are not talking have to face the problem of how far they can go and still avoid the consequences of not talking. If it is known that these persons are in possession of certain information, the pressure is very great. So they want to avoid this kind of thing, too. It works in favor of the police officer.

§15.21--Desire for preferential treatment

Another kind of force that exists in a few instances is the desire or the hope to obtain preferential treatment or some kind of partiality or favoritism. A person may think that by giving a lot of information he may get some special treatment. For example, the person who is a witness at an automobile accident may be willing to give you testimony, because he thinks if he does a policeman this "favor" he may be able to get a parking ticket fixed sometime or something of that sort. This is all just in his own head, yet, nevertheless, it is one of the forces making for cooperation. On a somewhat more intense level, there is the idea of bargaining with the police to tell what he knows, in order to get off with a lighter sentence, and so on. While the truth is that this is a force in favor of talking, some police officers abuse this and make promises that they can't possibly carry out. Then they are in difficulty because if word gets around that this particular police department will tell you anything in order to get you to talk, you really are up against it, because even when you're sincere, people won't believe it. It is a very tricky proposition to hint or imply that you can give people preferential treatment of a kind which is not permissible in your department simply in order to get them to talk.

§15.22--Desire to please other people

Another consideration which appears minor and

yet is present in a good many instances, particularly with witnesses, is the desire to please other people, to agree with their requests. The notion that the polite thing to do is to go along when somebody wants information, provided they get nice treatment themselves, is quite common.

§15.23--Relief from guilt feeling

Another powerful motive that exists in certain kinds of guilty suspects is the fact that talking, telling the story, provides a relief from a feeling of guilt. This does not apply to all guilty people, but it applies to certain people who have been brought up in a situation where they have a fairly strong conscience, and where they are not habitual criminals. Something has been done for the first time, and they feel so very, very guilty about it. They feel that once it is out in the open they will get relief from internal racking and torturing; this feeling can be a powerful force in favor of final confession or in favor of talking about what one has done. Police officers can frequently utilize this quite effectively, since no matter of promising any kind of outside preference is involved here. It is simply that after talking for some time with somebody who is probably guilty, if you can say something to the effect that you know the way he feels inside and you know that this is not fun for either of you, then a suggestion to get it all over and out in the open is a good one. If the person has been handled properly prior to this time so that there aren't strong feelings of resentment this frequently can be a very effective way of releasing a flood of information.

§15.24--Desire for revenge or punishment

Yet, another motive which sometimes is helpful in getting people to talk is the opposite of the protection motive. That is the desire to get revenge on somebody else or to punish them. This is a double-edged sword, too, because if there is strong desire for revenge on the part of some person who is a witness, he can distort things so that it looks like it was worse than it really was in order to get somebody else implicated who really should not be impli-

cated. This kind of thing happens with neighborhood quarrels a good deal.

It can happen on another level, too, so that it is effective on people who feel let down by their friends or families. In one case I'm thinking of a man who refused to talk because he said he knew that certain people who were interested in him were going to get his bail and get him out. But the days dragged by and they did not come by with the money and get him out. I talked with him a good deal about his home background and so on. He felt everybody had walked out on him all his life, that he had been abandoned over and over again. At this point it was very easy to point out that the same kind of thing that happened before, when his wife walked out on him, and when a friend of his walked out on him leaving him holding the bag, was here happening all over again. The desire to punish somebody else to get revenge is probably more critical with those people who have criminal connections than it is with people who are ordinary citizens who have gotten into some kind of trouble or other for the first time.

§15.25 Forces acting on interrogator

So far we have been discussing the forces leading to revealing information and working against it, and how these forces act upon the person who is being interrogated. We also should look at the forces that are acting on the interrogator as well. His job is essentially to deal with these various desires and motives and emotions in such a way as to create a situation that will lead to more and more revelation. His job is to strengthen the motives to talk on the one hand and on the other hand to decrease as much as possible all desires to withhold.

If the interrogator could do it perfectly, there would be no problem. However, the fact of the matter is that there are many things that can't be done. You can't promise people complete immunity if they will talk; you can't promise people that you'll give them \$10,000 if they will talk; and so on and so on and so on. The interrogator has a framework within which he must work and that means that every little force of resistance he can decrease is likely to be crucial in getting a little bit more and a little bit more information. But police officer interrogators

sometimes cannot do this because of forces acting upon themselves which may prevent them from doing an effective job.

§15.26--Desire to succeed

The first thing that a police officer wants to do is to be successful; he wants to avoid failure. There is a strong force acting upon him to get this thing answered, to find out the facts and move on with them. He expects reward and so on. This may lead him to be over-eager and to push too hard. Pushing people is not the way to get them to talk. You get people to talk by giving them what they need.

If the interrogator really is a little bit frightened of failure, if he's really working hard for a promotion or if he is afraid this case may turn out badly, then he is likely to fail in his own approach and be somewhat awkward.

§15.27--Interest in speedy results

Another thing, he wants speedy results. He's interested in getting things done quickly, not simply to finish his work, but because speed is one element of a good job.

§15.28--Pressure from public or superiors

In addition to that, there may be pressure from superiors or the public acting on him to show results. The papers are full of this kind of thing, criticism of the police department. Or people in the neighborhood might be calling and asking why something isn't done. And this kind of pressure stemming from the public and also from administrative offices in the police department can make the interviewer, the interrogator, jittery himself. When this kind of thing happens, when the interrogator is not comfortable and in command of himself, he cannot do a good job. But he often must operate under these conditions.

§15.29--Pressure to solve case

Another terrific pressure on the interrogator is the fact that he has the goal of solving the case. In between

him and the goal stands a whole block of people who are witnesses and suspects. That is, eventually the person with information who is not giving it serves as a frustrator for the interrogator, and stands between him and the final desired goal of a solution.

§15.30--Tendency toward aggression

What do we do about things that frustrate us? Well, psychologists knew a long time ago that one of the most common results of frustration is aggression--that what we do when something is blocking our way is to take the hammer and start hammering. Sometimes this works very well in interviewing, but with most people it does not, because this kind of aggression is really due to the frustration of the interrogator and is not likely to be employed very effectively. Further, it is likely to arouse counter-motives of hostility and hatred in the witness or in the suspect. The more frustrated the police officer becomes, the more likely he is to resort to threats, to shouting at witnesses at the very time he should be asking himself what the most effective approach should be. Essentially, he has lost control of the situation when he does this. As he feels himself losing control of the situation he seeks to regain it by what?--by more shouting, by more threats, to show who's boss. The trouble is, you do not get information out of people by showing them who is boss. That frequently makes them more frightened. The result is that at the very time when the police officer ought to choose his interrogation method with the skill that a surgeon chooses the instrument that he wants during an operation, he is so frustrated that he becomes the most inefficient interviewer that he can become.

§15.31 Relieving pressure on the interrogator

It is the matter of morale, of understanding the pressures on the interrogator, of trying to hold back and of not putting too much pressure on people who are not doing well. Someone should sit down with the interrogator and try to find out what he is doing and how he feels about it and whether anything can be done to help him, instead of pressuring the interrogator by saying he must get something

done or everyone's job is in danger or we'll look like fools in front of the public. This kind of thing only makes people more jittery. And you cannot do good surgery when you're jittery; and the kind of job that an interrogator has to do--and it's most difficult--is just as difficult as the job a surgeon has to do.

§15.32 Promoting the flow of talk

Now what can you do, then, thinking of these two sets of forces playing on the witness and the sets of forces playing on the interrogator--what can you do to promote the flow of talk?

At this point I would like to lay down what I think is a general principle that will apply in most cases. That is, the more that you can get a person to talk, just talk, the more likely you are to get information. Certainly you are not going to find out anything when they are quiet. So reverse this, and say that by and large, the more you can get people to talk, the more likely you are to find out what you want to know.

Why is this? Well, it's because in a large volume of talk, you may find one or two small things, if you're listening all the time, that will give you certain ideas that you didn't have before. If you get a small volume of talk, you may miss these clues.

§15.33--Danger in eliminating irrelevant talk

There are a lot of interrogators who want to keep witnesses on the beam who want to eliminate this irrelevant talk. "Don't tell me what happened to your Uncle Fudd last Thursday night; that has nothing to do with the problem of what happened to this poor girl on Saturday night," and so on. I don't think this attitude is justifiable. We know as psychologists that there are reasons why people talk about every single thing that they do and we know that the chain of processes in the normal mind is such that there are connections between each thought and every other thought that follows. These associations have some kind of significance, and people who are going off on what looks like irrelevant

tracks are actually leading up to something which may be crucially important.

§15.34--Be a good listener

Not only that, but the mere fact that you are listening to such a person talk is a way of helping him feel more able to talk about difficult things. If you can listen to him talk about things that you don't consider important, he will get the idea that you want him to talk and are willing to listen. Therefore, it makes it a little bit easier for him to continue. Psychologists frequently sit for as long as forty-five minutes without saying a single word, just letting people go. Silence is an all; never say a word and it's amazing how people will keep going and keep going and keep going when you keep your mouth shut. One of the most difficult things that an interviewer has to learn is that the problem is how to give the other person a chance to talk.

How can you do this? This approach is low-pressure interrogation. I do not guarantee that it will work under all circumstances. As a matter of fact there are some circumstances where I know it will not work. You have to know the kind of a person that you're dealing with, and judge where you are in the interview. This requires training and sensitivity. You increase people's desire to talk by careful, considerate listening. Encourage them with remarks such as, "Yes, and then what?" "And after that?" and so on. Just little things like this show that you are listening all the time and encourage another person to talk.

You can hardly resist it. You can try this out on almost anybody. On a train or bus engage in conversation with a person. Get him to tell you about his day, about his occupation, even if you're not interested, act interested: "Well, how did you get in there? . . . Um Hm. . . Well then what happened?" and you'll find that this fellow is pouring himself out to you. It's a very simple thing to give the other person a chance to talk, and to say by your manner that you are interested. Most conversation consists of two people fighting for a chance to get the floor. It is a brand new experience for a lot of people to discover a place where they can talk without being interrupted.

A lot of people don't think quickly; they think slowly. They need time and they shouldn't be pressed and

pushed and harried, while they are working these things out. There are other people who think fast and talk fast. You have to adjust yourself to the kind of speed or the gait that each person has.

§15.35--Avoid criticism and sarcastic remarks

Another thing that is very important by which you can produce predictable results either way, is to refrain from criticism and sarcastic remarks. We know that a person, who in another half hour will be talking rather frankly with you, if you lead up to it gently, can be cut off dead and get to hate the whole situation and do everything he can to hold back information if he gets sarcastic, critical remarks made to him. You don't feel like talking to a person who does that sort of thing to you. Consequently, if there is a place for sarcasm, it is certainly not in the early phases of the interview. If there is a place for critical remarks, it is not in the early stages of the interview.

§15.36--Make witness feel important

Another thing we can do is to help the witness attain his desire to be important. Act as if this person is important in the situation. Not by telling, "Now, you're very important to us, "which may cause trouble, but with courteous treatment, seeing to it that he has a drink of water, seeing to it that he has a comfortable place to sit and all that sort of thing. This considerate treatment makes him feel he is important. It communicates it to him without so many words.

There are also some rather specific kinds of things, technical arrangements which can be made that are important.

§15.37--Privacy in interviews

First of all, we cannot emphasize too much the importance of privacy in interviews. Obviously, if you are trying to interrogate somebody with a lot of other people around, you are building up many, many forces against talking. In addition to the consequences of revealing himself to

you, he also has to face the consequences of revealing himself to other people, too. You should not be interrupted; the business of phone calls, of opening mail and all that sort of thing doesn't do anything to establish the kind of relationship that you have to have for satisfactory interviewing. Satisfactory interviewing requires that your fullest attention be devoted to everything that person is saying and doing because you don't know at what moment some particular statement will turn up that will be valuable.

§15. 38--Handling inconsistencies

If you get a volume of talk you will probably find certain inconsistencies in the story. You can let some people confuse themselves by their own words because the more they talk the harder it is for them to remember everything they said. The result is that if you can remember all that went on, particularly with reference to the crime, you can detect inconsistencies and curious faults in the story. But do not pounce on these immediately. For example, if a man says one time that he was staying at a place at 8:00 on Saturday night and then later he says he went around there about 9:00, don't pounce on it that minute. This is filed away in a mental filing cabinet. There are two different stories here but he has forgotten that he said 8:00 or 9:00. But when you come around to it again, you say, "Now, let's see, what time did you go over there?" "Oh, I think it was about 8:30" he may answer. Now you have three different times to work with, and now is the time to confront him with the fact, but not at the very minute that it occurs. Give the person a chance to continue because there may be an explanation for it. Or more inconsistencies may develop in his story.

§15. 39--Open-ended questions

Another valuable approach which many interviewers fail to recognize is a very simple technique called the open-ended question. They consistently ask questions that are answerable by yes or no, and this is the poorest kind of interviewing. The best interviewing question in the

world is "Hm?" It is not saying a thing about what you want; it simply expresses interest in hearing more.

§15.40--Framing the question properly

The more questions you ask of a clear-cut nature, the more the witness is going to be able to infer the sort of story he thinks you want. You tip your hand much too soon by questions that you ask that are clearly framing: "Did you ever know a girl who was about five feet three, blond, shapely?" This suggests that you are hunting for somebody in connection with a girl of that sort. This is quite different from asking him to tell you something about the girl you saw. If you are waiting to hear this kind of a girl mentioned, do not ask specifically this particular kind of question. There is plenty of time for specific questions later on. In the early phases, keep your material fresh. It is like walking in on the scene of a crime. You don't walk in and start shoving everything around to see what's under the body. You wait, and you take photographs; you look, you make diagrams and very gently note what goes on before you disturb a thing. Don't disturb your witnesses and your suspects by throwing in a lot of the things that you're interested in. Get their stories first so that you can hear them in their own words. The way they talk is frequently very important.

These are open-ended questions: "What things?" "Could you tell me more about this?" "I don't quite understand." "How did you feel then?" "Uh huh, go ahead." All these things simply say in a polite way "I'm interested, keep talking."

§15.41--Fresh material from subject

If a person knows that you want something but does not know quite what it is, he isn't going to be able to delete from all the things that he has to say those things he might wish to withhold. It is much harder to withhold things that will cause trouble if what it is that will cause trouble is unknown. If police officers start in giving too many ideas about exactly what it is they are after in the early phases, then they do tip their hands. Too many direct questions make the witness assume you will ask anything you want to know. But you don't know all the things that you need to

know. If you did, you wouldn't be having the interview. You can't possibly ask all the questions that will cover all the material you'll want to know. There must be some fresh material. If you give the person that you're talking to the idea that he's not supposed to say anything until you ask a question, that's exactly what he'll do. The end result is that simple points which he might mention if permitted to talk spontaneously won't be mentioned if you shoot a stream of questions at him.

§15. 42--Pretend lack of knowledge

We find this happens in psychological work all the time. In talking to a patient, we ask him some questions about what happened and then ask him to go ahead and give his story. He may say the worst thing that has been bothering him for the last three or four months is recurrent headaches. And we'll ask him if he has said anything about that to his doctor. Often he will say he didn't because the doctor didn't ask him. Over and over again we find that people are waiting to be asked. You can prevent this happening if early in an interview you put the responsibility of the interview onto the person who is talking. Urge him to tell you his story. Make him feel that you don't know all the things that you want to ask, but that you want to hear what he has to tell. This is quite likely to be effective with reasonably cooperative witnesses who are a little bit frightened and cannot remember anything for a few minutes. You may also turn up leads that you wouldn't otherwise turn up.

§15. 43-- Building up memory

Another reason for the full story is that memory which is rather poor or sketchy to begin with gets built up as the story continues. You know how if you start talking about an incident that happened five or ten years ago, and people begin talking about it together, more things come back to you as you talk. This is precisely the principle that we are talking about now--that by having additional associations built up, new things do come back and the witness is likely to give more details than he could in a bang-bang-bang type of interview.

§15.44 Actions of interviewee

Another of the things to do in interviewing that is important is to notice what the interviewee is doing. A good many times we miss various important facts because we do not pay attention to the way the witness is looking, or the tone of voice that he is using, or that he is fidgeting in his chair.

With this method of trying to get a full, rich story with relatively few specific questions, it is extremely important to notice where people block, that is, at what point they stop talking, and how the stopping takes place. If after talking along for a while, all of a sudden you notice the face turn pale or turn red and they stop talking, you know you have hit something which is pretty emotional. It could be private emotion, or it could be public emotion in connection with a crime. But something in the area connected with the flow of talk at that point has caused emotion.

§15.45--Stiffening in the chair and thirst

Furthermore, you actually notice people stiffen in their chairs, as a certain question is asked or a certain topic is reached. You may notice increased licking of the lips because if a fear or embarrassment arises the saliva tends to decrease in the mouth. They may ask for a drink of water. Sometimes, in the case of people who are very much upset--and upset doesn't mean that they're guilty--they will have to ask to go to the toilet.

§15.46--Perspiration and tremors

They may pull their collar away from the neck, a gesture, often seen in public speakers that are not very comfortable. Perspiration has resulted in the collar's binding, which is a sign of anxiety or mild fear.

Tremors of the hands, of course, are pretty obvious in a lot of cases except that tremors that are pretty steady all the time may not always be due to anxiety. Disease of a physical nature may cause continuous tremors.

§15. 47--Tears

There are cases of tears coming to the eyes; this happens often to people when they are beginning to feel very guilty or upset or sad about what they did. Notice a shine on the eyeball that is a little brighter than it was before or even the bottom edge of the eye brimming with tears. An emotional approach, such as asking how the witness' wife and children are going to feel, or what's going to happen unless he tells the whole story will often start tear secretion.

§15. 48 High pressure interrogation methods

At this point we should say a word about high pressure interrogation methods. Probably there may be occasions when a lot of pressure must be put on a person. Such a method is probably useful, if ever, only with people who are hardened criminals, or who have connections of that kind--pretty hard characters. Even then, however, it is wise to say that high pressure methods--shouting, making a lot of threats and so on--should be utilized only after other methods have failed. High pressure methods are likely to close off all approaches, and, therefore, should be delayed in their application.

§15. 49--Confrontation with the evidence

One of these methods is to confront the examinee with evidence. This is a fairly bold blow and should not be presented too quickly. A very effective thing is to bring on piece by piece certain information about what so and so has told them, that you know for a fact that there was a green sedan over in front of that bar at such and such a time; that you have two witnesses who are willing to swear that a man came out of that bar and got into that car at 9:30. Then you bring out further information. Finally, you bring out the pistol, lay it on the table and say, "Did you ever see that before?" And so on. This steady accumulation of pressure may very well get results when other kinds of things will not get results at all.

§15.50--Threats and favors

Threats may sometimes get results: "You tell or you're going to stay right here in this room until you do," may sometimes be effective. But consider what else threats do. This is the choice you always have to make. Threats show to the person who is being questioned how desperate the examiner is. It gives away completely the fact that you have nothing else to rely on except threats. For this reason we may sometimes discover that a man who was softening a bit at the very moment when a threat is put on will begin to stiffen and you have lost your case at that point. Therefore, it is very dangerous to employ threats.

Furthermore, it is better not to make any threats unless you are prepared to back them up. Once the word gets around that you talk tough but do nothing, then that approach is gone for good.

It works both ways with regard to favors and threats. A police officer who has a reputation for being hardboiled but honest is going to get a lot of results where others, who think they are using fancy psychological techniques and being insincere about it will eventually fail. They may get by with it for a while, but eventually the word will get around and that will end their success entirely.

§15.51--Physical threats and violence

The problem of physical threats and physical violence probably ought not to be mentioned, but we should not ignore it. By and large any police officer who has had to resort to some kind of physical violence in order to get his statement, in order to get his information, is showing that he does not have the kind of staff around him, the kind of detective work around him and so on, that he ought to have.

I know that in some cases all these techniques fail, yet there is no justification for out and out physical punishment in order to get information. Remember that most of the people have not been tried, and people in this country are presumed to be innocent until they can be proved guilty. We have no ethical judgment for using force. It is, of course, an admission of lack of skill, of lack of good police methods in other respects.

Chapter 16
More Psychology of Interrogation
by
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Section

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§16.1 Introduction

While the practicing psychologist is not an expert on the subject of interrogation as police officers know it in daily practice, his experience in the matter of interviewing and interrogation comes from the standpoint of a person who has been working with patients in a psychiatry and psychology clinic.

§16.2 Interviewing and interrogation distinguished

Interrogation is a two-way proposition. An apt subtitle to this chapter would be "The Psychological Forces Acting on Examiner and Examinee in the Process of Interrogation." Definitions of the subjects of interviewing and interrogation are necessary as a beginning point.

Interviewing concerns the questioning of a person who is believed to possess knowledge of interest to the investigator. The person may give an account of the incident or event under question, or he may offer information concerning another person.

Interrogation, on the other hand, concerns the questioning of a person suspected of having committed an offense or a person who is reluctant to make a full disclosure of information in his possession. Obviously, there is a difference in both forms of questioning.

Interrogation is but one example of interviewing, requiring specific skills and knowledge of those people who are perhaps reluctant to disclose information and also requiring skills on the part of the examiner in knowing how to go about getting such information. In practice, however, there is no fine line of distinction between interviewing and interrogation. To interrogate somebody obviously means to interview him. On the other hand, to interview a person, you do not necessarily interrogate him, because an interview can be conducted under different auspices. You may be interested in getting some information; you may be interested in establishing friendship for the purpose of getting more information later.

§16.3 Short and long-range goals

Whatever the technique, whether working in interviewing or interrogation, you must begin by asking yourself this question: What are my objectives? What am I striving for? In considering your purposes or objectives, you will ask further: What are my long-range goals, and what are my more immediate goals? Actually this is done in every walk of life. For instance, a man may be interested in winning the hand of a woman. Now that may be his long-range goal. To achieve that long-range goal, he has more imme-

mediate goals he must gain. Similarly, when a big-league general manager attempts to build up a ball club, he may have a long-range objective of winning the pennant in five years, but the immediate objective may be that of getting his ball players a little experience. This distinction between objectives is necessary as you decide on your objective at a given time.

§16.4 Preliminary contact with examinee

In interviewing or interrogation, the same thing is true. For instance, you may have a preliminary or "get-acquainted" contact with the person involved. This contact may have no purpose other than that of trying to get on good footing with him, to get to know him well, even though you keep in mind the idea of getting some information from him at a later time. In practice, you may often find it difficult to distinguish between these objectives because you may want an objective accomplished immediately; you may have no time to delay getting certain information. If that is the case, obviously you have but one choice. The long-range goal then becomes the immediate pressing one. In general, then, the investigator should be clear about his purposes and have asked himself, "What am I aiming for?"

§16.5 Facts of the case

The next thing the investigator needs to think about is, "What are the facts in the case? What do I know about the situation in order that I might be better prepared to go into it to find information about it?" Getting the facts is the next step. It is the next step regardless of what our line of activity is, even the business executive who has established certain objectives and who then seeks to lay plans in accordance with those objectives must take this first step. You must get the facts that will help you establish your objectives a little better. There is no doubt of the great advantage in being well prepared before an interview or interrogation.

§16.6 Knowledge of examinee's background

Think of the psychological advantage you have

over your subject when you are able to demonstrate to him that you have learned a lot about him even before you have met him. This is particularly true with youngsters, adolescents. If you learn something about them, for instance, what grade they were in, who their buddies were, what kind of work they were interested in, what hobbies they had, the names of the members of their family, where they lived, what school they attended, you would be much better off than if you were to come in cold and say, "What is your name? Where do you come from? What school do you go to? How far did you get in school?" Obviously, you can only prepare data from knowledge that you have. If you do not have it, you have to get it. But if you have a choice in the matter it is best to be prepared before you start.

§16.7 Kind of person being interviewed

Another point to think about before starting an interview is to decide in your mind the kind of person you are about to deal with. Are you dealing with a claimant, an informant, a suspect, a witness? What kind of person are you working with? The more particular knowledge you obviously have about somebody, the better off you will be.

§16.8 Gathering data about examinee

Let's assume, then, that you have gathered a certain amount of preliminary information. You have set objectives for yourself and you know, roughly, what kind of person you are going to deal with, that is, whether this is a witness, an informant, a prospective informant, and so forth. Next, you will want to be clear about the circumstances surrounding the case, for example, was it an accident? How many people were involved? These kinds of questions are probably familiar to you as a result of your everyday work. However, there are other data about a person that you should know before starting to talk with him. For instance, it is important to know how far a man has gone in school. This allows you to know at what level to pitch an interview. You will know whether the words that you are using are too hard for him to understand. You might also want to know something about his social and religious

background in order to learn whether he has certain ideas or superstitions or beliefs as a result of which may make talking about a subject particularly touchy or troublesome. You will want to know something about his family surroundings and the circumstances of his life. You will want to know what kind of pressures he may have been subject to, what kind of things give him pleasure, as well as what kind of things frustrate him. You will certainly want to know something about his occupation as well as other facts around his immediate life.

§16.9 Sizing up the subject

Let's assume that such information is available to you before you have met the person with whom you will be speaking. Your next job is that of sizing him up. We all do this without really being aware of it. Sometimes you size up a speaker; usually a speaker sizes up an audience. You size up a television entertainer; you size up friends and others. There is a lot about physical appearance that immediately strikes you, and you begin to form impressions before you are aware of the process of forming these impressions. Try to imagine at what a disadvantage we would be if we had to interview someone without being able to look at him. What would happen if you were to interview someone over the telephone or behind a partition where you did not have clues based on physical appearance and gestures? Think of how you would make judgments about what a given thing would mean to the other person. For instance, you see clues in a person's face and in his hands, in his body, his posture, in how he is responding to what you are saying at a given time. How would you react if you did not have these clues? Think of the advantages and the disadvantages, if you please, of these different methods of learning about others.

When you begin to size up somebody, you begin with the physical appearance, gestures, bodily posture, dress, grooming, and so forth. I would submit that as you are doing this to the other person, he is doing it to you. As much as you need to be conscious of the other person, you need to be conscious of what you are doing. This may give

him one impression or another concerning you. It will be discussed more fully later.

The process of observation is such that we are not able at once to use every observation that we make about another person. The time may not be ripe for us to use a given piece of information, so we tuck it away to use at a later time.

§16.10 Subconscious observation

The second thing about the process of observation is that we are not fully conscious of all the things that we are taking in about another person at a given time. How often, for instance, have you noticed that out of the clear blue sky, when thinking about another thing entirely, you will suddenly recall an item from a previous day's conversation or something that a person had shown you a day or so before, or even years before? In other words, the observations that we make consciously and unconsciously are stored only to be recalled at a later time. When you are interviewing, you do this too. You are aware of certain things which are immediately interesting to you, which are in line with what you are trying to do. There are other things that are going on which allow you to observe certain things, but you are not reacting to them. I think if you can try to become more conscious of those things that you may not be aware of in the interview at first, you would have a much broader body of knowledge to work from in the interview proper.

§16.11 Problems in observation - interpretation

Certain signs of anxiety, discomfort, irritation, as revealed by the physical appearance of the person are discussed in other chapters. Here, let us emphasize the problems in observation.

One of the basic problems is the difference between making observation and deciding what the observation means. One of the fundamental objectives, no doubt, is to discover the motives of the person as he is speaking to you. Is he trying to withhold information? Is he trying to give you a story? Is he trying to avoid further involvement with

you? Use whatever clues you can, naturally, to help you in this cause.

§16.12--An example

Let us take as an example the following: There is a person at the scene of an accident who has observed the accident, and at that time indicates to you that he is interested in cooperating by talking to you further. You have asked him to come to see you, but when he comes he says nothing; he suddenly becomes untalkative and you begin to worry about this because you feel that he has crucial information. What goes on in your mind then as you are confronted with this situation? The possibilities are many. You may assume, for example, that he has changed his mind; that he is afraid to speak to you; perhaps something has happened from the time you saw him that has led him to change his mind; maybe he is the type of person who does not warm up easily to other people; perhaps he is a busy person who does not want to give up his time without being reimbursed for it; or he has many responsibilities that occupy his time. Furthermore, he may be frightened about the consequences of giving the information; or he is simply frightened from talking with a police officer. We all know there are people who naturally fear talking with police officers. They have nothing against the officer himself, but have been conditioned to the idea in their early childhood that police officers punish people. They are afraid of police officers and therefore do not talk to them unless they absolutely have to. Maybe this man also feels that if he were to give information he would be punishing someone, or that the information would lead to difficulties for another person.

These are but a few of the ideas that may go through your mind in such an instance. Each of these possibilities represents an attempt on your part to ascribe a certain kind of motivation to the fact that the man is not talking to you. In other words, you are trying to find out what is going on in his mind leading to his reluctance to talk. The fact that he does not talk to you could be regarded as a symptom, the term a doctor would use for this. You are trying to find the underlying cause of the symptom just

as much as the doctor tries to find the cause in order to remove the symptom.

§16.13--Distorting what we see

Another problem in observation is the matter of distorting what we see. It is very easy for us to misperceive, not to see exactly what is there, to mishear and to forget. Observations are not foolproof and certainly our memory for observations is not foolproof. The chapter on the semantics of interrogation explains the problems that come up in trying to understand people when they use language. As you know, one word can mean one thing to one person and mean something quite different to another person. Similarly, when you describe an event to one person, your description of it as you see it in your mind best reflects what you saw, but from the time that you have described it until the time that it is received in the mind of the other person a very different picture can emerge. How often is it that a husband and wife, for example, have both watched television and end up with a very different view as to what was seen? They both perceive what was said in a different way, so that it is very difficult to see eye-to-eye in discussing it because the basic data seemed very different to each. This is part of human nature. We trick ourselves all the time in hearing, seeing, recalling and describing things, and in the process of working in interviews or interrogation, you have to be quite aware of how easy it is for people to mislead themselves.

§16.14--Making erroneous deductions

Another major way in which you can mislead yourself is in making deductions about what you see. It is easy enough to mistake what you see, but the mistake may be magnified many times as you attempt to make a deduction from what you saw. If two people do not agree on what is seen, these same two people are likely to disagree ten times more as to what it means. In other words, if two people do not see the facts as the same, what the facts mean may be distorted even more.

What should you look for, then, in talking with someone? You look at the physical appearance; you listen

to the words; you look at his gestures; you listen to what a person is trying to communicate in the way of feeling because behind the words are feelings. Sometimes we are misled in thinking that people mean what they say or say what they mean. One of the surest clues to what a person is trying to tell you, one where you make the fewest mistakes, is not to listen so much to what he says but to listen, first, to the feeling that is associated with what he says. Second, do not be misled by what he says, but pay more attention to what he does.

§16. 15 Observing a feeling through behavior

What about this matter of feeling? You know somebody can say, in answer to your question, "Oh, sure. I love my father," but in the gesture, in the tensing, in the fist clenching process is a feeling that obviously is not in harmony with the expression of love. Be particularly aware of feeling states that are out of keeping with what the person says. If a person says that he is not guilty you may feel strongly that he is guilty because he is biting his nails, smoking a great deal, pacing the floor. He may reveal a feeling of nervousness, apprehension, or anxiety, which is out of keeping with the fact that he tells you he had nothing to do with the crime. In order to observe a feeling, look at what a person does. His feeling about something is usually revealed by his behavior.

For instance, if a man comes home from work late because he had stopped off at a tavern and his wife had to wait supper for him, she may be angry. As the husband steps into the room, she may bawl him out, tell him she feels that it was terrible he was late. But notice what she does. She may be telling him this, but meanwhile she is going about the business of getting the supper ready, setting the table and finding the most comfortable chair for him. In other words, her feeling of anger is offset by the fact that she is really pleased to see him, for she is trying to make him comfortable. Now, this can work the other way, too.

For example, she can greet him warmly, listen while he tells what a rough day he's had, commiserate with him, but while she says, "Yes, darling. Sit down, I will get your supper ready," she brings the plate to the table and

drops it, or she burns the meat; or as she pours the drink, misses the glass. Now, the feeling in her behavior here is quite different from the feeling of saying, "Darling, supper is ready." In police work, too, you must look at the feelings shown by the suspect. They may be very different from the words he uses. Talk is cheap as the old saying goes; actions speak louder than words.

§16.16--Look for dominant feeling

As you talk to people, you look for a dominant feeling. You will find that people usually have certain feelings which are characteristic. Each person has a certain sensitive spot, a weak spot, if you will, that is likely to be revealed under certain pressures. Whether they frighten easily or are quick to anger are feelings that are likely to show up under pressure, especially since pressure speeds up the reactions that we are likely to show. These reactions may not show up in every-day life if things run smoothly. If things do not run smoothly, the tendency to react in certain ways is exaggerated and you can see more clearly at that time what a person is likely to do.

§16.17--False interpretation of feelings

You can, however, run into trouble in making false interpretations about a person's feelings. Clinical psychologists find this all the time in their work. If, for instance, a patient is sitting in a chair all tensed up, fist clenched, looking mad, saying nothing, and the psychologist says to him, "You look angry," he will jump up out of his chair and say fiercely, "I am not angry," banging the chair, denying that he is angry. He proves the point by his showing it, but denies it in his own mind, and tries to deny it verbally. If you say that he is angry toward the questioner, you may be entirely wrong. If you say he is angry toward something or someone, you may be right. Great care is needed in drawing these interpretations because you may be mistaken about the object of his anger. As an example, a woman recently came to see me as a patient. I was ten minutes late. She was very, very angry. Ordinarily if a patient goes to see his doctor and the doctor is ten minutes

late, it is accepted. To be castigated by someone for being ten minutes late immediately suggested to me that she was not really angry toward me, but that she was angry about something else. It turned out that she was angry toward the doctor who referred her, and she took it out on the next victim.

When you interpret to a person how he may be feeling toward you, he may think you are reading his mind, especially if your interpretation is correct. If you are wrong, his anger may become intensified, both because you are reading his mind and are doing so incorrectly. Sometimes a person can feel a sense of relief when an interpretation is correct - for the interviewer has shown he understands the other person.

§16.18 Preparation for interviews or interrogations

Something needs to be said regarding the fact that the more the interrogator knows about a person and the kinds of people who commit certain crimes or offenses, the better he will be prepared to handle particular interviews or interrogations. For instance, one theory discussed more fully elsewhere is that there is a basic difference between what is called an emotional offender and a non-emotional offender. The emotional offenders have troubled consciences, whereas those who commit non-emotional crimes feel no moral guilt. Thus, if the suspect has feelings of remorse or anguish, a sympathetic approach could be very effective. Those people who show no remorse, guilt, or anguish may only be partly responsive to a sympathetic approach. It is necessary in these instances to try to get these people to feel some guilt first before you can sympathize with them. In other words, you have to make them feel guilty first, whereas a lot of people feel guilty inside without any help. Now, the people who do not feel any guilt have no pressure from within themselves to feel it. A lot of people who commit certain crimes just do not feel bad about it and admit they would do it again if they had the opportunity.

The point here is that in preparation for interviews or interrogations, it is best to keep in mind that there are different kinds of offenders, those who commit crimes in the heat of emotional excitement and those who commit crimes after cool reflection and planning.

§16.19 The examiner - forces affecting

A lot more could be said about the kinds of subjects, differences among subjects, and the probable approaches to them, but let us turn now and look at the other side of the coin. Let us look at the investigator, the examiner. The examiner is the other side of our equation. Sometimes we look at an investigation as a one-sided proposition, as if it only pertains to the examinee.

A police officer has as many forces acting upon him at a given time in the interrogation process as does the examinee. An interrogator may want to improve his efficiency rating or otherwise demonstrate his value to his department or office; he may be trying for a promotion; he may be infuriated by a particular offense or a particular person. Examiners may be in competition with one another and each may want to receive credit for a job well done. These are all perfectly natural and understandable motives. There are probably more subtle forces acting on examiners in interrogation than on examinees. There are as many differences among examiners as there are differences among witnesses and suspects. This is not in reference only to differences in their background and training, but there are psychological differences among examiners which should be discussed.

§16.20--Anger affecting judgment

Some examiners feel, from time to time, that at no point will they allow an examinee to outsmart them. Such an examiner may use every trick in the book to keep the subject from misleading him. He may find himself getting angry and as a result of his intense anger his judgment may get poorer and poorer. An examiner may not be aware of the fact that his judgment is weakening. In the heat of passion, excitement, or anger, it is hard to use our intelligence effectively. Our minds are set on accomplishing the goal that we have set, so we do not realize that what we are saying or doing may be foolish.

Under the influence of alcohol and the heat of excitement, people do things which they otherwise would not do. The same thing happens in rage, anger. The loss of inhibition

felt after drinking alcohol, may also be felt in the process of enragement. A common expression is, "I am so mad I could kill him." Now, you may say, "Don't you realize the consequences of what would happen if you did it?" He will say, "I don't care. I just don't care what the consequences are. I am so mad I want to kill him." A person does not think clearly when emotion gets stirred up. Interrogators are susceptible to emotion because they are human.

§16.21 Incompatibility of examiner and examinee

It is common for a police officer to meet an examinee with whom he cannot get results. They do not hit it off right. Why is it that people do not get along?

It would take us too far afield to consider this question in detail. We know that when we went to school there were certain teachers who got us to work better than other teachers. There are employers for whom we do better jobs. Certain combinations of people work out well, others do not. This principle extends to husbands and wives as much as it does to employers and employees and interrogators and examinees.

You cannot easily tell why an examinee may not want to cooperate. But you do know that you are not getting cooperation. It may have nothing to do with you personally or the way you conduct the interrogation. In fact, the reason may be ridiculous or valid, if you had the time to go into it. You may remind them of someone else; an uncle whom they disliked. Or, unconsciously they may take a dislike to the way you dress or speak. The examinee may himself be entirely unaware of why he is not cooperating. Therefore, you cannot know why they regard you the way they do, when they do not know themselves.

§16.22 Use of a more compatible examiner

Psychologists have learned that it is perfectly normal for certain people to work effectively with one kind of person whereas they may be ineffective with others. This is one of the reasons for specialization. We may like to interview younger people rather than older persons. Some of us get results with the seriously disturbed, whereas

others do not. This principle may be applied to police work, too. If you are not getting results with a particular examinee and can turn him over to another interrogator, do so. He may succeed. And you do not have to feel badly about it. There will be times when he may choose to return the favor.

Each of us has his prejudices and weak spots. We may not be able to relate easily to persons who are very different from us. Persons of other races, religions, social backgrounds may trouble us. It is necessary to try to see the things going on within you that may be keeping you from doing the best possible job. This is important because the person who is being questioned is constantly sizing you up and is as interested in finding out your weak spots as you are his. Just think what would happen if the tables were turned, if you were the reluctant witness. Think of the many techniques you would use to prevent getting yourself involved. Think of how you would be looking for the weaknesses in the other person to help your cause. I think you should be aware of your weak points and try to improve them. This does not mean that you must get very angry or very hard with the examinee but it does mean that you must become aware of your feelings and what you are doing yourself.

It would be advisable to have a second examiner present when you are having trouble with an examinee. It may be a very simple thing you are missing; for instance, you may not notice that while you are smoking during the interrogation, the suspect keeps looking at you in a funny way as if the smoking itself is in some way distasteful to him and is causing him to not want to talk. As simple an observation as that could be brought to your attention if another person were there.

§16.23 Favorable qualities of the examiner

I have mentioned that there are certain characteristics of the investigator which may help him in his work. I have already touched on the importance of the power of observation and alertness to the subject, having a body of knowledge about the subject, and of the different kinds of subjects and the kinds of offenses they commit, the different

kinds of offenses likely to be committed and the characteristic reactions of people in relation to these offenses.

There are other qualities of a good interrogator that come to mind. A man must be terribly patient. This is sometimes called perseverance or tolerance in working with another person. A man should be able to exercise self-control: something a person says or does can get you terribly angry, but if you show it and allow yourself to be swayed by it at the time your cause may be endangered. An examiner should not give a subject any cause for doubting his integrity. If you try by certain deceptive means to get something from another person and he senses that you are stepping out of your bounds to do this, you may lose his cooperation. It is also necessary for an interrogator to be flexible; he should be able to alter his approach whenever he feels it is necessary even if it means a loss in pride or some feeling of loss of self-esteem for him to have to shift gears suddenly in an interview. Let us say you have been very tough with a man and you have gotten no results, perhaps you need to be sympathetic, easy-going; maybe that will produce the results. Sometimes you may want to use a patient, quiet, listening attitude, but then suddenly you may want to shift gears and become very active. This requires a certain flexibility, and in becoming active, you may want to stop playing a certain role. And it certainly does not hurt to be a little bit of an actor in this work. Sometimes you should practice it. It is worthwhile to consider practicing the kind of a role you feel will lead you to the results that you want. Very important in playing a role is that the feeling that goes with the role should be appropriate. If you just use the words without getting the feeling across, your cause is lost. As much as you are judging the differences in the words and the feelings of a subject, so he is judging the differences in what you are saying and feeling toward him.

Chapter 17

The Semantics of Interrogation

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§17. 1 Introduction

One of the basic needs we have in most kinds of activity in which we are involved is the ability to communicate, perhaps to do it more effectively than we ordinarily do.

Let's assume (and this is not purely an assumption)

tion) that I am completely untrained in science (which I am). Let's assume that despite the fact that I am on a college faculty I have never yet learned what a triangle is. I have never seen one and have no idea what it is, it is a completely unknown object to me. Get a picture in your mind of what a triangle is and now try to translate that picture into my head by means of language. One explanation would be to make a V and turn it upside down and draw a line underneath it. You assume I know what a V is. Three straight lines, their ends connected, forming an enclosure, might explain it. Notice how difficult explaining that actually is; yet it is a very simple object. To try to put into language something that exists in reality is not easy, especially if you're dealing with somebody who either deliberately or unconsciously misunderstands.

Now suppose we draw a sketch of an apple, and then I say, "Do you like apples?" "Yes, Sir." "Do you like to eat them?" "Yes, Sir." "All right come up and take a bite out of this one." You see what happens here. It is the same principle--we have a real object--an apple--to which one reacts in the past because he has eaten it. We have a symbol of this particular object which is pictured; we have a word which represents it, and he reacts now to the word as though we were dealing with the reality--until suddenly I bring him up short and say "O.K., go ahead and take a bite." Then, for the first time, we recognize that the word is one thing--the reality is another. These two things are simply not the same and can't be made so.

§17.2 Difficulties in communicating accurately

This is our eternal problem in communication because we're trying to take a real world in which things happen, in which people exist and in which they behave or misbehave, as the case may be, and offer an explanation in terms of language. The only way by which we can communicate those things which people do or even determine what has been done is by a language world which is a different kind of thing. The real world and the word world are two different sorts of worlds, but we have to deal with both of them constantly: existing simultaneously are a world in which we talk about things--in which we describe them, in

which we try by language to create them--and a world in which things actually happen and exist and become a part of our life around us.

The problem of the interrogator constantly, and I use that term now not in the specialized form of police interrogators, is the problem of trying to get word-world pictures which will be accurate enough so that you can reconstruct to a reasonable degree, at least, a real-world event. The difficulty is one which is almost insurmountable because no word-world picture can ever duplicate the real event and no matter how much we talk about a picture of an apple, we would never get something into which we are willing to sink our teeth. The word-world picture of necessity must be different from the real world. Words are of vital importance to our society and we learn to react to them as though they are real. We adjust to a word as a pedestrian must adjust to a speeding car; we use words as a rider uses a car to move from place to place. It's a word-world we live in but it's a real world, too, and therein lies the perennial and eternal problem of the communicator to get these two worlds so they are reasonably in juxtaposition.

§17.3 Multiple meanings of words

There are three kinds of things that can happen to us in the word-world that will get us into trouble. First of all, we're in trouble when we assume that any word we use has a single meaning--that the picture I have in my head when I use the word is the same picture that another has in his head when he uses the word. For example, I could ask, "What kind of an apple is this?" and the answer is "Delicious." Now notice the problem you run into right away when you say "Delicious." Are you referring to the taste of this thing or are you referring to the brand name, because we have a brand of apple which is known as a "Delicious" apple. I guess you've also eaten apples which were not Delicious at all, except you say they're delicious because although they're Jonathans they are delicious and you see how confusing this thing can get because the term "delicious" has not a single meaning--it has a multitude of meanings; it can be either brand name or can be a descriptive term--whichever you want to make it. This is true

with virtually all of the language we use. Words do not have any meaning in themselves; they have meaning as somebody uses them--as he has a picture in his head; and they have meaning as someone else hears them as he has a picture in his head, but this is not necessarily the same thing.

§17.4--An example; the word "fast"

The word I prefer to play with on that count, to illustrate it, because I think it's easy to remember, is a simple little four-letter word "fast". What does this word mean? Well, it's a simple enough word; it's one we use constantly. Yet, look at the variety of meanings that it's required to carry, depending on the picture in your head. If I talk of a fast race horse, what do I have? I have a race horse on which you can safely invest a couple of dollars. And notice my use of the term "investment" because what's an investment? Look it up in the dictionary; it's a financial expenditure with the hope of financial gain. Don't let anyone ever tell you he ever bet on a horse; what you do is invest in one, because everybody has the hope, at least, of a financial gain. So a fast race horse is a horse on which you can safely invest a couple of dollars. That is, unless that race horse has been tied fast, in which case now he's no longer fast because he's fast. That is, if he weren't tied fast he'd be fast but since he's fast he's not fast. Same word, yet we can change the meaning of it 100%. Our fast race horse runs very rapidly.

The bright red skirt, I trust is a fast color--meaning it doesn't run at all. Same word but a completely different concept. We use that same word fast in reference to a religious observance and when you "fast" you abstain from something--to fast, to abstain. It's the same word you use in reference to a young lady (at least in the generation in which I grew up) and she is one who abstains from virtually nothing, but you haven't changed the word at all. So, what's the meaning of the word "fast"? Well, it has meaning only as I have a picture in my mind when I use it and as you have a picture in your mind when you hear it, and as long as we're both thinking of the same thing we understand each other. That's not because the word has any meaning; it's because we have a concept which gets into

juxtaposition with another, one with the other, and when I say the word you create a picture in your head which is somewhat similar to the one that I have. Yet, we can never assume that words have a single meaning; the minute that we do we are in potential language-communications difficulty, whether we're involved in interrogation or in speaking.

§17.5--Misinterpretation of words

I am involved in the television broadcasting of news, and a classic illustration of this happened to me. I tried to describe an event that had taken place off Cape Henry in Virginia; I was trying to use a minimum of words to get it done, to get through a whole program. The facts in the case were that two ships had collided; there had been a fire as a result; on board the navy tanker there were a number of people who had been burned to death and it was also discovered that a number of others had been trapped between decks on that same navy tanker. As I told the story I used roughly this language: I said: "There are seven men known dead on board the navy tanker and there is an excellent chance that a number of others have been trapped between decks." What I meant by the word "excellent", as I used it, was there is a very high "probability" that they have been trapped between decks. But an amazing number of people who heard that program made the assumption that what this meant was that I was taking a kind of sadistic joy from the fact that these poor men were trapped between decks. They were not at all reluctant to let me know this. What was the important thing? What I meant? Not a bit of it! It was what people thought I meant, because my job was to communicate an idea as accurately as possible and I had used a word which was capable of a great deal of misinterpretation, and in fact the popular conception of it was the one which most people had who heard it--not the one I had in mind when I used it. The same thing can be true with any kind of word description of anything.

§17.6--Reference to time

The most casual observation that comes to mind, of course, is the one that has a reference to time, because

we are constantly using words to describe time and yet we use words with a completely different concept of meaning. I used to try the stunt of asking people to estimate how long it would be when a minute had passed and I would simply stop and ask them to raise their hand when a minute went by. In most cases when you ask people to do this, within 30 seconds half the hands in the room are up and long before a minute has passed they are all up because we are not used to evaluating a minute as a solid fragment of time. We say "I'll do it in just a minute," meaning when it's convenient if you're going to do it for somebody else; meaning you want it done right away if someone else is going to do it for you. Or, that term "right away," what does it mean? Well it means one thing when you are asked to do a job and quite a different thing when you want someone else to do it because there is no meaning in the word--the meaning is the picture in our heads.

§17.7 Static quality of words

Never assume then that words have a single meaning when you're dealing with interrogation. Always remember, too, that words have a static quality while they deal with a dynamic world--that words are static while the world with which they deal is dynamic. We are in trouble when we assume that words have a dynamic meaning in this frame of reference. They do not. They are static in their nature--the world is dynamic. Let me illustrate. If our apple picture were a real apple rather than a representation, we could set it on the edge of a table and we could talk about it and all the time that we talked about it that apple would be undergoing a process of change. If we came back three weeks later and took a look at said apple we would discover that that process of change had been completed--it would be a dried up or a rotten apple depending upon circumstances about which I know nothing. But the apple would have changed. Its label, however, would not and thus any word description is a static kind of description of a thing which is dynamic.

§17.8--A person's name

This becomes even clearer when you think of it

in terms of your own identification--you carry the same word label, each one of you, through most of your lives, probably all of your lives. Most men have only one, women have a right to change theirs at least once and many of them abuse that privilege, but most of us carry the same word label all of our lives. But not one of you would maintain that you are the same person you were ten years ago; you are not the man you were then, you are a different person entirely. In fact, some doctors told me that over a lifetime you change every cell in your body a multitude of different times, so that you are not the same person you were yesterday but you carry the same word picture. Thus, any static description of a thing belies the dynamic quality which is in it, and this is another one of our difficulties with language; it is static while the things with which we deal, the things about which we talk, are dynamic and in the constant process of change.

§17.9 Incompleteness of word pictures

The third problem is this: no word picture, no matter what you do with it, can ever be a complete picture. We are in trouble when we assume that we can get a duplication of reality by words; when we assume that word pictures can be made complete. What an object is in the real world is not going to be changed by what you call it. You can call a pen a thermometer if you want to but no matter where you put it, it is not going to take your temperature. You can call it a knife but it is not going to provide you any protection. You can call it a flash light but it will not help you find a keyhole. It actually is a fountain pen and, of course, when you call it a pen it might mean any of a dozen things at one time. What is a pen? Well, a pen is what you keep kids in--a playpen. Or it is what you keep adults in who have broken the law--penitentiary. Or it is what you keep pigs in. Or it is what you write with--because what is a pen? A pen is what you are thinking of when you say it. But the thing I really want to illustrate is this: if we started to talk about this and tried to construct a complete word-world picture of it, we could continue to talk about a pen for weeks. We could discuss the metallurgy; the trim which is on it; we could discuss the chemistry of the plastic; we could

talk about the ink; we could discuss the design which is here; we could talk about a pen until the end of time and when we got all through we would not have anything which was capable of making a mark on a sheet of paper because only the pen in the real-world possesses that complete entity. No word-world description of it can ever duplicate the action which can be taken by the object itself. Thus, no word-world picture of anything is complete and we make a fatal assumption, as far as trying to get facts in a case is concerned, if we ever assume that the word-world picture somebody gives us can be a complete story of what happened. It cannot.

The other illustration I would like to use concerning this point is the New York Times ostentatious slogan, "All the news that's fit to print." On a Sunday afternoon the New York Times is so heavy you need your youngster's wagon to get it home. But reference to many of us has never appeared in the pages of the New York Times. "All the news that's fit to print"--does that mean, then, that everything we have done is unfit to print? Not necessarily; it means that, literally, in a complex world of the kind we have, even the Times can not possibly print everything. There can not be a complete story told in words. All I have said up to now is this: in the word-world we are in trouble when we assume (1) that words have a single meaning, (2) that they are dynamic in their meaning, and (3) that word pictures are complete.

§17.10 Failure to separate statements of fact and judgments

Also, we are in trouble when we fail to separate statements of fact from statements of inference which are statements of judgment. And the word pictures that we are constantly creating as we talk with other people can be of either kind--we can be trying to describe facts or we can draw inferences from facts. And we frequently mix these two things up so rapidly that it is difficult to tell which is which. To watch the progress from statement of fact to statement of inference to statement of judgment, take this very simple statement. It is a hypothetical sort of situation but I use it often because it illustrates my point. Let's say the housewife who has new young neighbors next door gets

up at two or three in the morning when they happen to arrive home. She looks out of the window and she sees them come up the walk and go into their house. She tells her husband the next morning: "That young couple across the street came in at 2:00." This is statement of fact. "They were out on a toot I'll betcha." (An inference). "I knew they were no good when they moved in." (A judgment). You see how there has been a movement from fact to inference to judgment. We must evaluate each of those statements in a different light if we are going to evaluate with any accuracy the kind of word picture which we're getting from someone else. We could probably believe the statement of fact as being reasonably certain; we have no basis on which to believe the inference or the judgment. So that the problem is always to try to separate fact from inference from judgment as we are evaluating the contributions of other people.

Dealing with language is tricky and trying to learn things by language from other people is perhaps the trickiest thing of all; that is the constant problem of the interrogator.

§17. 11 Interrogation defined

Let's apply this as best we can to the province of interrogation itself. And here let me define my terms because as I use the term "interrogation," which has no meaning in itself either, since I probably am using it in a different kind of concept than you are. The function of interrogation is a dual one. You may use interrogation as a means by which you are attempting to secure information. You are attempting to gain facts to determine what went on, to reconstruct pictures of what occurred. Or, you may use interrogation as a means of testing information, and this I think is probably the way in which you more usually use it. You think of the interrogation of a suspect as one in which you are really trying to break the character down and to get from him information he does not plan to give or one in which you destroy the story which he has already created. I am using it in both senses. We interrogate in an effort to get information and we interrogate in an effort to test information; there are two different techniques involved. We will take them up in turn.

§17.12 Interrogation to gain facts or information

Interrogation occurs when you are attempting to find out from someone else by means of a word picture what actually happened in a real world situation which you did not have the opportunity to observe. Whenever we do this we interrogate. First, let's deal with interrogation as you are concerned with the effort to gain facts or to gain information--not with the testing of facts but with the gaining of information insofar as possible. The following principles, based on this whole area of general semantics, would seem to apply.

§17.13--Use language producing the same mental image

First, the language used by the interrogator must call up approximately the same mental image in the mind of both the questioner and of the respondent. Notice the heavy responsibility this puts on the interrogator, because he has the job of being sure that his language is understood by his listener. Again, most of my illustrations will not come out of the area of legal procedure because that is not where my experience lies. I like the story that is told, for example, of the individual who was in England during the war; was seeking to find the British foreign office and got himself in the general area of London where the foreign office was located and then asked a London bobby where the office was. He happened to be right in the area and the bobby just pointed down the street and he said "Right down that street." Whereupon the American, having started on and then suddenly realizing he did not really know where it was yet, said: "But wait a minute, which side are they on?" And the London bobby replied: "They say they are on our side." Now notice that this is a deliberate misinterpretation of language, probably, but the misinterpretation has plausibility because "Which side are they on?" may mean which side are they on physically or it may mean which side are they on, you see, in terms of the combat involved. You have a very real possibility that what one person is saying and what you are reacting to are two different things, because "in a minute" as I've suggested before, can mean a multitude of different things. "Awfully fast" depends on who says it and under what

circumstances. "It was a long period of time between those sounds"--what is a long period of time? There is always the danger that the mental image which is created in the mind of the respondent is different than the mental image which is in the mind of the interrogator. The job of the interrogator is to be sure that this doesn't happen.

§17. 14--Avoid leading questions

A second principle is this: leading questions have to be avoided because they tend constantly to confuse the mental image which is already formed by a witness. A "leading" question is a question which presumes a reply and I am sure you are familiar with that particular kind. When I say, "Who was that lady I saw you with last night?" to use the old cliché, that at least assumes that you were with a lady last night and if you answer, "That was no lady, that was my wife," you have still established the fact you were with someone; it was a leading question in that sense. And when we are simply trying to gain information the leading question is almost always the one that will lead us into the possibility of error, particularly if you have an emotionally disturbed witness who is inclined to be trying to help or trying to hinder, as the case may be. It is not a leading question if you ask if a witness noticed anything unusual or if he can describe any events during the preceding evening. It is a leading question when you ask, "Did you hear anything that sounded like a shot?" "As a matter of fact, I did," she says. "Did you see anyone leave the place last night?" Again, we are not quite leading when we say, "Did you see anyone leave this place, or come in?" We are saying "Can you report what happened?" But, "Was it a man or woman who left?" is a leading question; it presumes that somebody left. It is not necessary to ask leading questions. Although you have to ask questions which will elicit information, you do not have to provide part of that information in the question. The following goes far afield from your particular area, but it makes the same point. I do not know how many of you have heard these recent ads that have dealt with the product Oleo, but they keep referring to it as "better than the high-priced spread." They never mention butter. Why not? Because in the mentioning of butter (now we are deal-

ing with advertising psychology but the same principle is there), the minute you mention butter you introduce that idea into the minds of your listeners and you do not want them to be thinking about butter--you want them to think about Oleo. There is one that goes on now that refers to rayon cord tires and talks about the tires on your car. You want your tires to be safe, you do not want them to be made of the material from which women's stockings are made. They never mention nylon, because the minute they would mention nylon you would begin thinking of that as a possibility and it's just like a leading question, it introduces the idea that you do not want to introduce. Any time you ask a leading question, in which you suggest the answer which the witness might give, you are in danger of implanting that answer and convincing everyone that the answer is true even though it is not. The leading question is likely to give you that particular kind of response; you avoid it if you are simply trying to get information.

§17.15--Explanation of observed phenomena

The third consideration concerns questions which ask for an explanation of observed phenomena to help test the accuracy or truthfulness of the witness' account. There is a difference between asking a leading question and asking for an explanation of what an individual has reported. For example, when you say "the car was going awfully fast," what do you mean by "awfully" fast? The explanation tries to clarify this picture. If you say that there was a "long period of time between," on what basis do you make that judgment of a "long" period? You are trying again to clarify the particular picture that is involved. In a class one day we were performing the experiment in argumentation where we asked students to estimate the period of time in which a minute had passed. One of the students came up within the second of that minute--up came his hand right on the nose--59 1/2 or 59 3/4 seconds indicating the minute had passed. My first tendency was to infer that he had been sneaking a look at his wristwatch because his reaction was too pat to be good. But rather than accuse him of that, I asked, "Why are you so much more accurate than the rest of the group? How do you estimate the time?" It turned out he was a navi-

gator during the war; had done this business of 60 second turns so many times that he had a habit pattern established for 60 seconds. The explanation then added to the validity of his statement and it was an explanation, not a leading question which secured it.

§17.16--Avoid drawing inferences

A fourth consideration is that the questioner must avoid constructing a verbalization to explain facts until the facts are known and understood. That is a rather complex way of saying that if you are seeking to gain facts or information as an interrogator you are as interested in your ability to listen as you are in your ability to interrogate. This is one of the most difficult things in the world, I think, for the interrogator to learn. You get about 3 facts; you begin to draw an inference yourself from the information that you have secured, and you say: "Oh, I see, what you mean is this," and again the suspect is likely to nod his head and say "Yes" whether that is what he really meant or not because that is the easiest way to get you off his back. You should avoid drawing any kind of inferences; you should avoid making any verbalization during the process of interrogation if you are trying to get facts. But what do you do? You should take the summary which you have arrived at back to the individual who is questioned and let him examine it after the interview. But you do not do that in the process of interrogation because very frequently you then find him leaving out material as unnecessary, because you have drawn an inference long before the story was complete. So the verbalization to explain facts is one which you do not draw--you leave that to the so-called witness. These are the principles to follow if you are simply trying to gain data.

§17.17 Testing statements through interrogation

It is quite different if you are trying to test statements. The interrogator has both jobs on his hands, of course. The only thing that I would suggest very strongly is that we never mix these two things--that you do them one at a time. There is a difference between gaining information and attempting to test the information which has been gained.

When you are trying to test statements, then the use of the leading question is extremely effective because the leading question is one of the best ways by which you can tell whether an individual has given you an accurate picture or whether he is trying to fabricate a picture. And it can be used again and again.

§17.18--Use of the leading question

The stories which I would like to use to illustrate this came out of the legal career of Abraham Lincoln. They are almost too pat to believe but you will find them, at least, in the various Lincoln biographies. One story you may recall was where a young man was unjustly accused of having committed a murder and it occurred in a clearing. There were a couple of thugs involved with this innocent young man. He was accused of the murder and one of the two roughnecks in the neighborhood was the witness against him. Lincoln was the attorney representing the young man. The question of identification, of course, was the prize question. This all took place on the stand. The fellow identified this young man as the person who had fired the shot or had done the stabbing or whatever the particular violence had been, and Lincoln's questioning ran something like this. He said, "Well, can you identify him positively?" And the witness said "Yes." Said Mr. Lincoln, "Then it must have been a reasonably bright night if you were able to identify him, even though it was close to midnight," and the witness said, "Yes, there was a good deal of light in the sky." "I suppose, then that the moon must have been near the full," and the witness said "Yes, it was certainly at least at three-quarters; there was enough moonlight that you could identify him." Whereupon Mr. Lincoln reached into his pocket, pulled out the Farmers' Almanac and showed that that day had been the dark of the moon. The individual answering leading questions which seemed to corroborate what he had been saying had ended up proving himself a liar. This will sometimes happen. The leading question now serves its purpose.

The other story that is told about Lincoln regarded another case of identification where a hat left at the scene of the crime was the vital thing which linked the defendant with the particular crime. Mr. Lincoln looked at the

hat, which was a very common type, and he said: "How can you be so positive this is the defendant's hat?" And the witness explained that he had seen it many times and was thoroughly familiar with it and that he was positive that it was the defendant's hat. Lincoln, as he was handling the hat, just fiddling with it, turned the band inside out and said, "I suppose, then, you are aware of the initials which are on the band?" And the man said "Yes, you'll find those are also his initials." He then unfolded it and there were no initials on the band. This was a leading question which had led the witness, in an effort to corroborate what he had said, to volunteer data which was not true. Thus the leading question can prove the witness presumably to be a liar. Any attempt to get the witness to answer, you see, once you have established the picture as completely as possible, tests the credibility of that particular witness. And failure to test his credibility can also mean failure to carry a case in court. I do not know much about law but when a witness who has given you a good story but whose honesty and veracity and willingness to stick to the facts has never been tested is confronted by a lawyer who then leads him into areas where he knows nothing, but where he is trying to volunteer information, you have a case that goes right out the window at that particular point. The use of leading questions here is extremely effective.

§17. 19--Use of converted or obverted question

So, also, is the use of another kind of question the terms of which are probably unfamiliar--the use of so-called converted or obverted question. Let me define those two terms and then you'll see what I mean. Conversion means that you interchange subject and predicate. In other words, a statement which is made like this: "All communists vote for Henry Wallace" cannot be converted into the statement "All those who vote for Henry Wallace are communists." Do you get the distinction? All I have done is change subject and predicate yet have changed the meaning of that proposition very definitely. To say that all communists vote for Wallace might have been true in an election in which the communist party was officially for him; but to allege that all who voted for Wallace were communists

is manifestly untrue. When you convert a question, then, in just this fashion, you test the ability of the witness (1) to react to a change of language, and (2) to answer accurately. And you check also his reliability, then, as far as further interrogation is concerned. If he is relatively stupid, confused or if he is lying he may very well accept the converted questions and respond to them. The second device is an obverted question. You cannot substitute an affirmative proposition with its negative equivalent. An obversion is the process of taking an affirmative statement and putting it into negative fashion, whereupon it also may become invalid. For example, this sort of statement, which I use again out of the argumentation area; "All of those who favor Kruschew are communists" cannot be obverted to the statement that "All who oppose Kruschew are non-communists." This simply does not follow. The first statement may be true, but the second, that all those who oppose him are not communists, is not true because we are discovering inside Russia right now that there are a number who oppose him who are undoubtedly good communists. And when you phrase a question which has been phrased affirmatively into this obverted or negative fashion you are again testing the accuracy of the response of your witness. To illustrate: because you were on the scene and were able to watch a particular car drive by, does not mean that you were unable to observe what went on across the street. This does not necessarily follow. You may have been able to observe both events; because you watch one does not mean you are incapable of watching the other. And the witness who is giving you an accurate picture (or the witness who is a very skillful liar, you never know which) is the one who will be aware of the change of the language and you must test his statements to a degree by just that change.

§17.20--Questions requesting detail or amplification

The third thing is this: questions which request detail or amplification are extremely useful in terms of testing statements which have been made. In the addition of detail you get the kind of thing which will either be consistent or inconsistent and will give you a basis on which to judge the general accuracy of the statements of the witness.

The place where that was done in court, and was the most fascinating of all examples to me, was during the famed Sacco-Vanzetti case several years ago. It was the payroll robbery in which two anarchists by the names of Sacco and Vanzetti were accused of the robbery and may or may not have been guilty. In any case they were finally executed. The identification of them as having left the scene of the payroll robbery in an open car was made by a witness by the name of Mary Splain. Among others, Mary Splain's testimony was almost a classic case in point. If you read the record now it looks as though this girl proved herself to be an absolute and unmitigated liar. You can hardly see any other possibility. According to her own testimony she saw these two men drive by in the open car while she was sitting in a second floor window. So she had a view of them, at most 10 or 20 seconds. Even in those days, I suppose, it was 25 miles an hour at which they sped away. She saw them for that brief period of time. On the witness stand, under the questioning of an attorney, she not only positively identified them but she swore to such things as the length of their fingernails, as to details of the physical structure of face, which are certainly capable of being observed by someone who has a half hour with somebody and makes a careful study, but could not have been observed by her in the kind of casual circumstances which were involved. The only conclusion you could draw was that she had been coached by somebody to provide a complete description of these two characters and to make the identification complete. The very fact that she was able to give that kind of detail presented further presumptive evidence that she was not giving an honest story. When you ask for details, when you ask for minute observation, if the individual is willing to volunteer it, and your leading questions are the ones in which you are constantly asking for this, you get a witness who is likely to be highly unreliable and one whose story had better be checked a half dozen times.

§17.21--Testing knowledge of fact and inference

And, of course, the fourth thing you attempt to do is to test the witness' knowledge of this fact and inference difference that we were talking about earlier. Test his

knowledge of fact and inference. Again the circumstances can be duplicated in many different situations. We had a case with pilots in the war who used to use a little phosphate manufacturing plant on a kind of deserted island out in the Mid-Pacific as a target point for the training of all new crews that went out. They were mostly people who had not been in combat before and it was their first strike. This little island was completely undefended. I do not know why the Japanese kept it running, but they had a phosphate mill there and occasionally ships would come in and they did have a few anti-aircraft guns at one point. But every carrier that went out would bomb this place on the way out, just as a matter of getting a shake-down raze. Yet a report from our pilots always indicated that they had encountered anti-aircraft fire. The reason they gave us the report, of course, was because of the flashes that they had seen. These flashes came ever closer to the planes as they got in and bombed and pulled back out. They were supposed to go in at low level and the gun camera films would be fascinating when you developed them because the pilots would always pull out at about 1000 feet. What was this anti-aircraft fire? The anti-aircraft fire was the incendiary bombs which had been dropped by a previous plane. But as the pilot went down and he saw these lights he began to infer, automatically: "This must be anti-aircraft fire," and the inference brought it ever closer to him as he swung away from that particular scene. It was a dramatic way for him to learn a lesson as to both accurate information and faulty inference.

§17.22--Inference from sounds heard and things observed

In an accident in which my wife was involved at a four-way intersection a lady presumably saw the accident. (It was a street where there were no stop lights and no stop signs. My wife drove into it and hit a car--or let's put it more objectively: two cars met in the intersection, each was slightly damaged and the question was "Who hit whom? Under what circumstances? Who entered the intersection first, etc.?" The witness who was sitting in a window, on the corner, was willing to testify that it was the other driver who had the right of way and that my wife was at fault and had entered the intersection last and therefore was in the

wrong. The accident occurred at a point where the witness could see it; however, after questioning and checking fact and inference new considerations arose. Why was this witness watching? Because she heard the crash. Now this is a factual statement--she heard the crash. Could she then have seen who entered first? Obviously not. She can infer by what she saw later on which car was probably at fault but she cannot state that as a fact. The inference that my wife was at fault was an inference--not a report. The statement of fact is simply that when she heard the crash she looked out and saw the two cars had struck and the difference between fact and inference in her mind was thoroughly confused. The same thing, of course, is inclined to be true with many witnesses. The problem of the interrogator is to be sure that he separates in his interrogation the reports which are factual from those which are inferential in their nature.

Actually, if there is a real conclusion to be drawn from this, I would like to draw it. Remember that your word-world and real-world are different; therefore, all statements about anything are statements which are subject to gross error. And, remember that interrogations serves a dual function--the function of securing data and the function of testing data. The advice that I give truly gratuitously is that it is better, it seems to me, to separate these two functions. The one is the deliberate use of language to attempt to lead an individual to make statements so that they can be tested. The other is an effort to use language to secure from an individual a maximum amount of information for evaluation, and I don't think the two should be mixed.

§17.23 Skill in listening - I-can-hear level

There is another summation on this point which I think is of vital importance. We are so frequently concerned about our skill in communication in terms of our own skill with language that we forget what might be the most critical aspect of the total communications picture and that is our skill in listening. Because the real secret to the total picture is an accurate listening pattern on the part of the interrogator. It is relatively easy for him to talk; it is relatively easy for him to ask questions; it is relatively easy

for him to draw snap conclusions from information which he has received. It is relatively difficult for him to do an accurate and thorough job of listening. I would like to illustrate this by making a very simple point concerning the different levels of listening by asking you to notice how often you operate at a pretty low level, regardless of the communications pattern in which you are involved. If I were going to try to characterize the levels of listening it would run like this: The lowest level of all (and this I do not think you need to worry about in this area) is the simple level that says "I can hear." This is hardly listening at all. As an interrogator, I am sure you are never guilty of simply operating at that level. As a casual communicator, we all are. It always amuses me when you go into somebody's office, you have an appointment with him, and the phone rings and the person on the other end is obviously a bore and at the end of a minute of conversation the man puts his hand over the mouth piece and says to you "go ahead, I can hear." What he means is that he is paying no attention to either one of you but you can keep on talking if you want to. This is foolish. This, I don't think we need to worry about; I would suspect any interrogator is above the level of "I can hear."

§17.24--I-can-repeat-back level

The second level, though, which is simply "I can repeat back" is the one in which I am afraid we assume listening in itself is complete. As long as you get it all down accurately you have, of necessity, listened. "I can repeat it back." In fact, that is the kind of thing we settle for in college classes to an amazing degree. If the student sits there all semester and at the end of the semester can write down in a blue book approximately what you have said during the semester without appreciable change you give him an 'A.' He can repeat it back, therefore, he has passed the course. Certainly, we operate under this one, all too often. The real interrogator will not stop with "I can repeat back."

§17.25--The top listening level

The real interrogator will carry the thing on to the top level which says "I have participated, I have tested,

I have been involved, I have not just 'heard' but I have actually interrogated this particular person." It means that the active side occurs when you are not just getting it down but when, having gotten it down, you are providing a real test, a real probing, a real insight into the thing. This one operates at every level, because if you are really participating, you not only repeat back what the individual has said but you have discovered what he means by these terms which are capable of misinterpretation. You are not just writing down the material, you are providing a constant effort in that writing down to be sure that the word-world picture is as nearly accurate and as nearly real as you can get it. While it can never be a duplication you have striven to be as accurate as you can. Just getting it down is not enough--it is a matter of being sure that what you get down conforms to the picture which is in the other person's head. You can never be sure, I hasten to add, because none of us, I suspect, ever quite understands another; no language picture can be other than the pale semblance of reality, rather than reality itself.

Chapter 18
Instrumental Detection of Deception
by
Bernard J. Conley

Section

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§18.1 Introduction

Interrogation is the most essential work that a policeman does, and one of the most disregarded in the education or the training of a policeman.

Most policemen go through their entire career in the department without ever having had to use their gun. Still we stress fire-arms training almost to a maximum in the departmental training courses. Another man may go through twenty-five years in a department without ever going to the Grand Jury; many have never been a witness in a major crime case. Yet when they do, they are prepared and do a good job. Behavior on the witness stand cannot be over-stressed, but often interrogation is neglected.

From the day a man puts his badge on until the day he takes it off, he is involved in interrogation work certain hours of each day.

One of the great aids to the interrogator can be the lie detector. We will discuss the development of the polygraph as well as explain its use, and try to evaluate it as an investigative device.

The polygraph is like anything else in this particular line of work. You must read the books and work with the instrument. You must study the men who are in the field, and then you must get off by yourself and figure out your own pattern or approach. Every time you meet a person on the street and he starts giving you a line you practice lie detection.

§18.2 History of lie detection

When two cave men met, the only way they could solve their problems was to get into a tussle and see which one could lick the other; and, of course, the one that won the fight was taken as the one who was telling the truth. That was carried down through history for quite a while as trial by ordeal. We had trial by joust. It was always the man who could win who was supposed to be telling the truth. That had a little religious basis because they always figured God was on the side of the man who won, and that God would not be on the side of the man who was not telling the truth.

Then we went through the period when we had the rack and the wheel, and various other tortures. Supposedly,

these things existed to aid in the search for the truth. Sometimes men went too far. They did not get the truth, but they got a distortion of fact because the person told them what they wanted to know. That is one of the things you have to worry about in this business: you might have people tell you things you want to know, or things that give them a lift whether true or not.

Various methods were used in different countries. Perhaps you have heard the story of the rice in China. The suspect took a mouthful of rice and told his story. At the end of the story he spit the rice out. If it was wet, he was telling the truth. If it was dry he was lying, because the mouth dries up when you're telling a lie. The Chinese used that system.

The Indians (from India) used a system involving the white jackass, an animal sacred to them. They would put a person into a room and tell him to repeat his story while they held the tail of a white jackass. They told him if the jackass brayed he was lying; but if the jackass was quiet he would be judged as telling the truth. They did not tell the suspect that they put soot on the tail of the jackass. If the man were lying, he wasn't going to take any chances on the jackass braying, so he would not touch the tail. If he was telling the truth, he would grab the tail. When he came out of the room, they would look at his hand. If he had the soot on his hand, he was telling the truth; if he had a clean hand, he was lying.

§18.3 Scientific beginnings of lie detection

The scientific age in lie detection began back in 1895 with Cesare Ambrosia who was a student of police work in Italy. He started out on the blood pressure pulse. He was a doctor and an honorary member of the police department. He started out with the regular blood pressure cup, but he could not keep it on. He did not get a continuing chart and it was just a reading that he accumulated.

In 1915, William Marston also worked with the blood pressure cups. In 1914, a Victoria Venusie of Italy started to work with respiration. That was the first technique employing respiration, and it was the first until about 1920 when something similar to what we are using today was

discovered. I was a policeman before we had lie detector machines even though I began later than 1920. I was fortunate to be assigned to the detective bureau after I was in the Department a short time. It was a very small bureau at that time, and most of the men in the bureau were elderly men who had been on the force for quite some time. To study with those men was a particular honor and a great opportunity. They taught me interrogation, and they had certain methods of lie detection. Each detective would have his own. Each one would sit you down and start an interview and an interrogation with the prisoner. These detectives had learned all their psychology on the street, and they knew their business. They were all good policemen. One of them would tell you when he started interrogating a prisoner, to watch the muscles on the side of the suspect's neck; and concentrate on that. You will be able to tell when he is lying.

Another one would tell you to watch the suspect's eyes. "When he gets a little flick in his eyes over here, he is lying. Watch his ears. If his ears start to wiggle, he is lying." They all had their own method, and all of them were true and all of them are the methods we are using today only we are picking them up scientifically. Never before the polygraph did we have an opportunity to have them recorded for us.

§18.4 Keeler's first polygraph

In 1921, John Larson and Leonard Keeler were studying psychology. Later Larson became an M. D. They started to work on the possibility of recording lies. Larson was credited with developing the first machine. It was quite an apparatus. It would cover a sizeable table top. The recording was done on a smoked piece of metal dial. No permanent records or anything else were made. It was a very primitive machine, but it was a beginning.

In 1926, Leonard Keeler and Larson had a split-up. Keeler went to the University of Chicago. There he developed the machine which we now call the Keeler Polygraph.

The argument between Larson and Keeler is of historical interest. Larson felt that the lie detector should

be kept strictly for the medical profession or for graduates of psychology courses. He felt that nobody lower than a Doctor of Philosophy should be able to run a lie detector or polygraph test and be qualified to testify. So Larson set up his machine on the basis that only Doctors of Medicine or Philosophy would be running the lie detector test.

Keeler then went to Northwestern University and became associated with the Northwestern Police School. He became acquainted with the police department and he quickly changed his viewpoint of policemen. He decided his liedetector was something that should be put in every police station. He realized the operator should be trained and the examiner should be trained, but it should be available to the police for their investigative work. The first machine that Keeler built was for the Chicago Police Department and it is still in operation there. They do not run it too often since they are trying to keep it for historical purposes.

§18.5 Sale of polygraph to police departments

Keeler then started to sell the lie detector to other police departments.

There are some things in lie detection today that you can blame on Keeler; but he did them to sell the principle of the lie detector to the police departments. Keeler was a marvelous psychologist and salesman. In order to sell the lie detector, he had to get confessions. He would walk into a police department and he would ask if they had any prisoners who were believed guilty but who would not confess. Sometimes he would wait until the police had talked to somebody for two days or more. And then he would say "Well, how about letting me talk to him." In fifteen or twenty minutes he would walk out with a confession, leaving all the sweating detectives behind, and he would not even have taken his necktie off. That is the way he sold the lie detector to police departments. He went around and he peddled the lie detector as a confession getter. That approach has left its mark on the lie detector and lie detector examiners because today a confession is generally expected to be produced. You not only run the lie detector and determine whether the man is lying or not, but you are expected

to get a confession. And that is not the part of the lie detector examiner.

§18.6 Job of the lie detector examiner

The job of the lie detector examiner is to run the test; determine whether the man is lying or not; and so inform the investigating officers. The lie detector itself has done a marvelous job for the police department. It has a very definite place in police work. We would have a lot more complaints on our books than we have were it not for the lie detector. It has done a very effective job in the police department.

§18.7 Elimination of suspects

The real job of the lie detector is elimination of suspects in the search for evidence. In the case where we have say thirty suspects, we can eliminate perhaps twenty-seven of them on the first run. That will leave three to be investigated or three to be rerun on the lie detector. We have saved a lot of man hours of work for the department. That is the main job of the lie detector.

§18.8 Information leading to evidence

If we can pick up information during the course of our interview, if we can ask questions on the lie detector that lead us to evidence, it is another great aid. For instance, perhaps we can learn the hiding place of the gun or the knife or some other object. We can concentrate our investigation on a couple of men or a couple of suspects and eliminate all the others.

There is no mystery to the lie detector. All it does is record the symptoms of lying that every policeman knows.

§18.9 Various lie detectors

There are various lie detectors on the market. Keeler's lie detector sets the standard. Stilding's is almost an identical machine. The Higley is a very sensitive piece of apparatus. There are only about six of them in the

country. They were developed by Dr. Higley in Columbus at the Foster Child Guidance Center. He has a particularly sensitive psychogalvanometer. His whole machine is set up to the extrasensory and to work at very low pressures. Most of his work is done with children between the ages of two and seven. He will put a lie detector or polygraph on a child that age and keep it on for three or four hours at a time. However, his machine is not in production. Each one is individually made and they are quite expensive. There is also Reed's machine in Chicago which is not in production either. It is a specialized machine. He will make you one if you want it. It is identical to the Keeler and Stilding Polygraph except that it has a separate attachment. It has two more needles to register muscular movement: muscular movement of the thigh, by having a board come up under the thighs for pressures; and two movable arms under the arms for any movement of the arms. Muscular movement is very important, but in this business we cannot have everything put on the chart for us. We must use our eyes, too. With the three recordings that we have on the polygraph, we can detect muscular movement if we observe closely. Making it too easy for examiners may cause them to slip up on a lot of other things. You can determine muscular movement from the blood pressure if you are observing your subject all of the time, and you should never take your eyes off the subject. You will be able to determine what part of the body he is moving and whether it is voluntary or whether he is trying to deceive you.

§18.10 Measuring muscular movements in the legs

Father Summers from Fordham University developed a machine using electrodes for muscular movement on the caps of the legs; it almost looked as if you were hooked up in the electric chair on that one. He used these electrodes to determine the movement of the leg muscles. That is the most deceptive movement that can be made in lie detection, moving the toes in the shoes and such movement will give a very bad recording unless the examiner knows it. A person with a good heavy pair of shoes can move his toes in his shoes and it is the least noticeable and the most distracting of any of the possible movements that

he can make. It is the only movement, by the way, allowed to the guards at Buckingham Palace. As long as they stand at attention, the only thing that they can move is the toes in their shoes. It is supposed to be a complete relaxing movement. They can stand there as straight as a ramrod and as long as they can just move their toes in their shoes every once in a while, it is relaxing to them. But it is very difficult to notice and difficult to pick up on a lie detector unless you have seen it. Any of you working on lie detectors get a subject in and purposely have him move his toes, so that you can pick it up on the lie detector and you won't have any trouble with muscular movement.

§18.11 Standard machines - average blood pressure cup

The lie detector as we have it in the Keeler, the Stilding, the Higley, and the Reed consists of three pieces of apparatus. It consists first of all of the average blood pressure cup, the same that every doctor uses to measure your blood pressure. It goes on the arm. It can go on either the right or the left arm.

An interesting side-light is that a published article on lie detection stated that if you cannot get a blood pressure reading from the arm, you can use the blood pressure from some place else, even around the throat. We thought, maybe it could be done, so we tried using it on the throat of a trainee. He could not even talk. He was gasping for breath as soon as it was on. But those things are published. In this case, I know the polygraph examiner quoted and it must have been an off-handed remark in his talk and probably misquoted. You can be sure that if you ever get on the stand, somebody will dig that quotation up.

§18.12--Chest tube measuring respiration

The second piece of apparatus goes around the chest and measures the respiration. It is merely a tube containing a certain amount of air that is pulled back and forth as the person breathes. It goes on to a tamper in the machine that pushes the needle and gives us our recording.

§18.13--Psychogalvanometer; Faraday reaction

The third piece of apparatus is the psychogalvanometer which has any number of ways to be attached to the person. The cup which we are using now is a cup with two electrodes touching the surface of the skin. Formerly, on the Keeler and also on the Stilding, we had a clamp which went across the hand with an electrode underneath and over. They have finger guards that go on the fingers, and an electrode that will pick up the current.

Originally we thought we were measuring the conductivity of the skin when we started in on this business, and we explained it very easily to ourselves that if you tell a lie you get sweaty palms. As soon as you get sweaty palms you get more salt in the surface of your skin and you are going to get better conductivity in the skin than you had before. Then we got a recording on the machine. Years ago we found out that that was not what we were getting. But we did not know what we were getting. We were getting the result that we wanted by sending a small current through that skin and picking up resistance of the skin. Dr. Higley in Columbus has shown that what we are getting is called The Faraday reaction. It is a static electrical discharge across the nerve endings, which is increased on the emotion of the lie. He uses his without any stimulus at all; he has no current going through his psychogalvanometer; all the current going through is generated by the body itself. It sounds like the logical answer but we will leave that up to the researchers in the field, and let them find out. Personally, I am very well satisfied with Dr. Higley's explanation. As long as we get the result we want and are able to interpret it, that is the reason to have the machine.

§18.14 Limited questioning

We hook up our subject with these three pieces of apparatus and we are limited to a very few questions. We are limited to questions that can be answered with just a yes or no, or so we inform our subject. We have told our subject that with all the questions he will be able to answer yes or no and we are interested only in those answers, not a lot of talk. If he talks more he is going to throw off the

recording. But if he does not answer at all, you are going to do just as well with your test, or practically as well, as if he did answer yes or no. If a person were to just sit in the chair, listen to your questions and not answer them, you will get almost an identical reaction to that which you would get if he did answer, because he is lying mentally anyhow. If you ask him a question: "Did you do this?" or "Did you do that?" and he doesn't answer at all, he has still mentally answered the question and you will get the recording that you want. Sometimes you can tell the fellow: "Why don't you sit in that chair. You won't have to bother to answer," and they will do that. Your test will be worthwhile.

§18.15 Procedure in lie detection

The procedure in lie detection, the handling of the subject, is very much disputed. Having worked with Keeler and having watched Reed work and having read his books, as well as others on the subject, I find that none of them fit me personally. You must read and observe everything available and adapt it to your own use.

§18.16--Pre-interview to obtain a confession

Keeler developed the idea of getting a confession. Keeler was the original instructor. He started the Keeler Institute in Chicago, which is still run as a major training center for lie detector examiners. Keeler started off with a pre-interview. You always use a pleasant room, away from any of the aspects of a police station. You usually try to get one as sound proof as possible, but you bring your subject in and introduce yourself to him. Under pre-interview he meant that you asked the suspect if he had ever heard of a lie detector. He would point out the machine. Keeler would tell him that with that machine he could find out anything that he wanted to know by asking certain questions. His approach was like this: "Now you are supposed to have done such and such a crime. I am going to put you under the lie detector and I am going to ask you some questions and when I get through I am going to know whether you did it or not. So why don't you tell me about it before we go on?" If the fellow did not confess at that period, then he

proceeded to tell him how viciously the lie detector could operate, how it could lay his soul bare in the front room, for everybody's view. In my opinion that is using the lie detector as a third degree method. I used it for a while, since that is the way I was trained. I used that method very successfully, at least successfully enough to have stayed in the business. But I did not like it, and I did not think that the lie detector had to be used for that purpose.

I studied the lie detector at the time that I was doing that. I convinced myself that the lie detector would go along with my chart. And my chart would go along with the final results that I would get. I sold myself on the lie detector, or the polygraph. I sold myself so much on the lie detector that I do not think I have to sell the public anymore. The public today is acquainted with the lie detector; they know what the lie detector will do; and you do not have to tell them. And as soon as you start overselling your machine, the first idea that pops up in your prisoner's mind is "Well, this fellow is trying to sell me on something. He must not be so convinced of it himself." So I cut off the pre-interview.

§18.17--Reed's system

Reed, in his book on lie detection and interrogation, explains his system. He has a very effective system. Reed is perhaps the most prosperous and prominent man in the private field. He's a former Chicago detective sergeant. He got his original training with the Chicago Police Department. He has branch offices in several cities throughout the country. He handles perhaps more private work in lie detection than any other man in the country. His system works, but it would not work for me; because you have to adopt your system to yourself. Reed goes over and interrogates his person in his pre-interview, and he explains to him what questions he is going to ask, why he is going to ask them, and what he's going to do here; but he does not explain the machine. He is not selling the machine, but he is selling the type of interview that he is going to have with the man. He also puts a fear in the man, that the man is not going to be able to answer the questions that he is going to ask him. I do not go along with that. I say it is

very successful for him as a lie detector operator, but it would not work for me.

§18.18--Developing your own system

When I break in a man in the police department as a lie detector operator he must adapt his own system from all of these. Nobody can teach you how to interview. The man who taught me went in, guffawed, and beat around the bush and said "You know you did it." Just beat him verbally. Another man working with my instructor at that time did a very nice job on it. He quoted the Bible. He could turn the Bible around backwards and forwards to prove any point that he wanted. And he would get in there and work with the Bible. Both of them were getting confessions and I tried both systems and failed with both. So I had to develop my own system.

§18.19--Importance of pre-investigation

Before you get your subject in the lie detection room there is a lot of preparation necessary. In lie detection work a good pre-investigation is essential. The more you know about the case, the more small details that you know, the more you know about your subject and all the other suspects, where they are tied in and where they are tied out, the better the job you can do on the lie detector. So the first thing you must insist upon is a good outside investigation. The understanding has always been in our department that the lie detector man, the man who is going to run the test, has the last word to say on whether there is going to be a test run or not. The investigating officers of the case have to come back personally and make arrangements with the man who is going to run the examination for a lie detector test. The reason for that is we want to discuss the case with the investigating officers. We do not want to work from reports.

Reports are not detailed enough. You have the facts in a report, but you do not have the detail, and the details are the parts that are needed in polygraph work. You must get to the very minute details. You have got to know if a man cut his hand going through the window. You have

got to know if it is the right hand or the left hand. If he broke a window, you want to know how he broke it. If he jimmied a lock, you want to know what he jimmied it with. You have need of knowing the fine points. You can not rush a man on the lie detectors. The operator should never be rushed into conducting a test, because he will get no results.

§18.20--Control vested in lie detector examiner

If the detectives come to you with a case and you read your reports over to them and talk to them and you feel there should be more investigation it is the privilege of the lie detector man to tell them to go out and investigate the case further. One of the biggest arguments against having a lie detector in a department is that it makes lazy detectives. So insist on good investigation, and insist on keeping control of the lie detector in your own hands. You are operating it. You are taking a lot of responsibility.

§18.21--Time element in scheduling examinations

Another thing that we do in Cleveland that is unusual is that we run our lie detection schedule like a dentist's office. If the officers have a man in jail and feel they have held him long enough and must release him, they often want a lie detector right away. We simply say: "Well, the best appointment I can give you is nine o'clock Tuesday." This may be Saturday. We advise them to turn the suspect loose and tell him to come back on Tuesday morning. We have had very much success with that. It works two ways. It saves us time and we get just as good a result on the lie detector. If we have him come in a few days after being questioned first, he comes in off the street. He is in a normal condition. We do not have to spend any time putting him back to a norm as we would after intensive interrogation. If he is guilty he will show it just as much on Tuesday as he would have on Saturday afternoon. This is true of our witnesses, our suspects, and our complainants. For instance, you can not very well jail a complainant. But if you start with your report and it sounds a little suspicious to you, just ask him when he can take a lie detector test. We do not ask him if he is going to take a test. About half

of the complainants, especially in driver-salesman robberies, do not even come in to take a lie detector test. They just call up and say: "Well, just forget that report. I found the money. I found my billfold and just drop that report." One store detective who handled innumerable shop-lifters as standard practice, would call me up from the store. He would say: "When can I get an appointment for the lie detector. I have a suspected shop-lifter." I never asked him what the person's name was; what happened or anything else. I would always say: "Bring her right in." He never brought a person in. He just used that telephone, got the appointment and before he had hung up the receiver, he had a confession out of his suspect.

§18.22 The pre-interview

After I have had my investigation, after I have agreed to take in a subject, and after I get the subject in the room, I conduct a pre-interview. We have a very pleasant room, with a very comfortable chair. I do not seat the suspect, as Reed advocates, hooked up to the lie detector, because I am trying to find out who the person is, what the person is, and what makes him tick. If he is strapped up on the lie detector, you are not going to find out much about the person, the individual himself, because all the time he is there, he is pre-occupied with the apparatus. He is not relaxing. He is not going to let you hinder his defense. So I have him sit down and I introduce myself. Before I start my interview with him, before I go into his history, I excuse myself from the room and go into the observation room and study the individual for a few minutes to take a look at him. When that man comes into the interview room and he shakes your hand and he says: "I am Mr. So-and-So. I was told to come down here at such-and-such a time," he has all his defenses built up. He is trying to sell you. He is trying to convince you that he is the most innocent man in the world. There is no other reason why he would walk into this room, except that he was innocent; that he is doing it all of his own free will. They all feel that they are doing it of their own free will. He is in there and he has all his defenses built up for you. So you sit him down and talk to him for a couple of minutes, excuse yourself and go into

the observation room and watch him. And while you are out of that room, he has dropped all his defenses. Then you get some idea of how to handle him when you go in. I usually start off with something like: "Oh, you have got yourself in a jam." Anything to give him a lead-off. Some will take it, and if he takes the lead-off then, you stay with that and follow it through on his conversation.

§18.23--The approach; history of the examinee

If he doesn't take the lead you start into your approach. My approach is a history of the man. We make a complete history starting from the day of birth. For our history we have a sheet and we make notations on it as we go along. So we go through a complete history of the man, from when and where he was born to the day he walked into the office. And anytime he wants to take the lead, you let him take it. I start off with: "Where were you born? "Your date of birth?" "Your mother's and father's names; are they living; how long have they been dead?" I have a routine and I never vary it. "How long have they been dead? Your mother remarried? How long has she been remarried? How old were you when she remarried? How many brothers and sisters do you have? How far did you go to school? What schools did you attend? What did you take while you were in school? Did you have any military service?" That is a very important question. It will give you their I. Q. It will give you a lot of leads on a man. "Where were you in the service? What did you do while you were in service? Honorable discharge or not? Ever been in prison?" You conduct it very informally, so that you give the person no chance to lie. The questions that you ask are so obvious that he has no reason to lie. There are several reasons for doing this. You find out what makes the man tick. You get a chance to look at him, to figure out what his I. Q. is. You want him to use every word that you are going to use. Reed tells his subject the questions he is going to ask him, to make sure that he understands every word. I do not do this. I do not want the subject to know. I prefer that the subject does not know the questions on my first run. So on my pre-interview, I use every word, or, what I prefer to do, is to let

the subject use his own words and I will pick them up and make notations on them.

For instance, in sex crimes, you would never possibly think of the words that they do, and you must be able to use those words because they do not understand the words that you use. So that is one of the important things in the pre-interview as far as I am concerned.

§18.24--Concluding the pre-interview

At the same time, I am making notations on health, physical condition, mental condition, as it is called for on the sheet. I am formulating the questions that I will ask. I always give them a chance to talk as much as they possibly can to get into their field. Just before I am going to line up this interview, as distinguished from an interrogation, when their anxiety is at the lowest ebb, I say to the suspect "Now, Joe, did you steal this money?" And you would be surprised how many times they will come back and say: "Yes." And, of course, you have completed your case. If you ask; "Well, why didn't you tell the detective? Why did you go to all this bother of having me tie up the room?" You know what the answer is. "They never gave me a chance. They never asked me whether I did." It is surprising the number of cases in which we get that "Yes." Just stop and think, in some of the interviews and interrogations that you have had, did you ever come out and directly ask the fellow whether he stole it? Did you ever ask him directly whether he did it? And many times, if you stop and think about it, you never did.

§18.25 The interview - phrasing the question

You can say you are going out to draw up the questions that you are going to ask him. There are some advocates of having standard questions or questions phrased in a standard manner. I don't believe in it. I believe one of the most important parts in lie detection is the phrasing of your question. The phrasing of your question is to include only the crime which you have under investigation and to include only the individual that you are talking to. So you have to use his words; You have to set the questioning up so that it pertains to that crime and only that crime. You go out and

draw up your questions, usually from eighteen to twenty questions. From the eighteen to twenty questions, at the most, six or seven will be material questions. The rest will be control questions setting the norm. I always try to use guilt-complex questions, because it is surprising in our business how the guilt-complex does enter into the case. Although the person may not be guilty of the particular case that you have under investigation, he is usually guilty of something else so similar to it that you must be able to dissociate that trend. So I use those questions and run them at least twice.

§18.26--Suspect reads the questions

The first test is run without the subject knowing the questions that we are going to ask. The reason I prefer not to have him know is that we have trouble getting him to take the test. I will say "Well, what is the difference. I will let you read the question." There are a lot of people who are worried that you are going to ask them about something else. Let them read the questions if you have to, but, of course, then you lose your element of surprise in your first test.

§18.27--Studying the interviewee before the second test

Before the second test, leave the room. I give him a chance to quiet down while I go into the observation room and study him. It is very important that you study your subject at all times and get his reactions. Let him sit for five minutes between tests. He will regain his composure.

What do you look for when you study the suspect? What do you look for when you meet a man on the street? What influences your opinion when you meet two men on the street at the same time and one you like and one you dislike? Why? What influences you? You do not know. I could not tell you exactly what to look for in the observation room.

I am trying to convey the mysterious lead from the mind to the body. I think you are looking for changes in facial expression, tremor, wetting of the lips, anything that will express itself as an emotion. After all, you are just expressing the thing that an instrument is testing. You are

testing emotions. This is something that is very important, of course. An emotion is not an emotion unless it is expressed physically. You cannot be joyful, you cannot cry, you cannot rejoice, you cannot be sad, you cannot be angry, unless you express it physically. Fear, genuine fear, is expressed physically. Embarrassment is expressed physically. You are looking for the physical characteristics of the emotions in a suspect's behavior.

It is even more than that. I am not looking for deception at this time. I am looking for the personality of the man. If the man, while I am in the room, is being as nice as pie, he is selling himself to me. Then when I step out of the room, he turns around completely and shows distrust, or hate. I am looking for the difference in the reaction of that man when I am there and his behavior when I am not there, when he thinks I am not observing him.

§18.28--Control questions

I run two tests. I study my chart on the first test beforehand and go back and run my second test. Immediately after the second test, I run my control. Now some operators run their control first and try to impress the person with the fact that they can pull their number or pick their card. That, to me is also a third-degree method. It is also risky because you might slip up and you might make a mistake and then you are completely out of luck. So I always run my control third, I never use a card trick which often is highly recommended, because I think that as soon as you pull out a deck of cards, particularly with gamblers, shysters, etc., it means tricks to them. They figure it is a trick. So I use the simplest test of all, the number test. And I use it on everybody. Persons of low mentality can understand it and react to it. The smarter ones think you are insulting them by using such a simple test and you get a beautiful reaction.

In the number test, the suspect writes on a paper any one of the numbers 2, 3, 4, or 5. He keeps the piece of paper under his hand. While he is sitting there, you ask him if the number on the paper is 1. Is it 2? Is it 3? etc. He is told to answer "No" to all of them. You ask the same number several times. I run my numbers from one to six; then I split them up and then I ask from six to one again.

And at the end of that test you can pick his number, and you can call them if they are trying to fool you. You can see anything on the sheet.

§18.29 Reaching an opinion

Now you have your three tests, your charts, and your control. From that you must arrive at your opinion. You study the charts honestly. If I am convinced that the subject, from those charts, is not the subject that I want I immediately go in and inform him of that and release him. If he is the subject that I want, I go in and inform him of that and then I do not release him.

Even with the two charts you may still not be satisfied. You may have to call a test inconclusive, which we do not like to do.

The questions can be the source of the difficulty. I never ask the amount of money stolen in my ordinary test, for example. It is seldom that you get the correct amount reported. For instance, if a cafe is burglarized, they may report \$300 taken. Often you can almost figure that there was \$150 or even less but that insurance is involved. So if you were to ask the suspect if he got \$300 out of the cash register, he rationalizes and says, "No." Since he only got \$150, the answer "No" is the truth. So ordinarily in my test, I do not use an amount. Reference to the missing money, the money from the register, or something rather than a specific amount prevents this mistake.

§18.30--Peak attention test or additional chart

If I am in doubt, I then may run a peak attention test; or another chart in which I would set up a series of questions. "Did you break into the cash register with a knife? Did you break into the cash register with a fork? Did you break into it with an axe?" or whatever way it was to finally arrive at a conclusion. Your peak attention test comes in very handy on that point and it comes in very handy in finding out a location. If you know that a person has stolen some money and hidden it, by asking peak attention test questions you can practically pin point where the money is

hidden. These would be examples of the few occasions when a peak attention test is good.

§18.31 National polygraph organizations

How long does it take to become a good examiner? How long after schooling before an examiner is qualified?

An examiner is qualified to use the polygraph the day he finishes school. If he is the only man in your department and there is no department with which he can consult then he must start operating right away. The more he operates the better man he's going to be. There are two national organizations in lie detection work and the one is the American Academy for Scientific Interrogation which is practically an outlet of the Keeler School in Chicago. You may belong to the Academy, although you did not go to the Keeler School. Most of the police operators and examiners belong, and it gives a pretty good cross-section of the country. The meeting of the National Academy for Scientific Interrogation is held annually. Then there is the Academy of Polygraph Examiners which is an organization that is an outgrowth of Larson's theory that it should be kept within a small group. Keeler and Reed are in that outfit now. They have the requirement that you must have at least one degree to belong to their organization. Therefore, it is a very small organization. You have to submit a paper every year, whether you attend the national meeting or not. They do not have any permanent memberships. As soon as you do not submit an annual paper you are out. In Ohio we have just organized an Ohio Police Polygraph Examiners group which is limited to police examiners. We've had several meetings and they have really been interesting meetings. We have cut out all formality. We sit down and get into discussion. You learn a great deal in a meeting like that. It helps especially in the case where a person goes to examiner's school, the department buys a lie detector, and he is strictly on his own. In a metropolitan area there are usually several operators around when a new man goes into a department, others are available to go over his charts with him. It is very difficult to get started unless somebody goes over your charts with you. In our Lab we have four examiners, and many times we all get together and study the same subject charts to make decisions.

§18.32 Use of polygraph in courtroom

The question of whether the polygraph can be used in a courtroom is often asked. The answer, of course, is "No." Examiners, generally, do not want it in courtrooms because we want to keep the psychological value of it and we do not want to go into court any more than we have to. I have had it in every court jurisdiction in this section and I have every confidence in the machine. That is why I have cut out my pre-interview. I've been running a polygraph almost twenty years and I am not afraid to have my charts go to court. I wouldn't advise any man who was running it for six months to go into court or to take a case into court, but you should have confidence enough in it that even if you don't get a confession, to back it up and tell the detectives that the person is guilty or the person is not guilty.

§18.33 Use on police department members

Another aspect of having the lie detector and one of the objections to it is that it will be used on the members of the department. This argument was brought up to me. I have run a lot of policemen in the department, and we have them for four afternoon sessions while they are in the academy. While I am explaining the lie detector I tell them, "We do use it in the department and we use it on the members of the department". I explain to them that in police work you run into many situations where you are going to be accused of things and you have no defense to it. The only defense that you have is the lie detector. If you are not guilty, by all means take the test. But I warn them not to if they are guilty because I will not hold back the results. If you are going to have a lie detector in your department, you are going to have to use it on the men. You can not put it on civilians if you do not use it on your own men. They will want to lie, particularly in the cases involving civilians and your own men. And as long as everyone understands that they have the right to refuse to take the test, as long as they understand that they will be treated fairly, there should be no antagonism. If the police officer is wrong we should have no more objection to saying so than if it were anyone else.

§18.34 Per cent of error

Per cent of error in the use of the polygraph is another much-discussed factor. It is an intangible thing, although operators will say, "My percentage is so and so." They are just making a good guess. A doctor who was a suspect in a case came in for a test. I started putting the apparatus on him and he said to me, "Well, what is your percentage on this machine?" I said, "Doctor, there is only one way to answer that. What is your percentage of diagnosis?" Perhaps that illustrates my point.

Now, it is sometimes felt that anyone who is guilty and voluntarily takes a polygraph test must be a psychopath or something like that. This is not true because the guilty person often believes he can "beat" the test. A criminal is most often an egotist. He is often an extrovert too. So he believes he can beat you. When you get a man that has been in an institution like the Ohio State Penitentiary and you start questioning him and find out he has been there, then watch out for every trick in the book because he knows it. They are usually easy to trip up on questioning, however.

In spite of the objections mentioned, the polygraph in the hands of a competent examiner is an asset to a police department.

Chapter 19

Truth Serum

by

Alfred K. Bochner, M. D.

Section

- 19.1 Use of barbiturates
- 19.2 Undesirable reactions
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- 19.4 Mental illness; inability to speak
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- 19.9 Withholding information despite truth serum
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§19.1 Use of barbiturates

"Truth serums" are generally quick-acting barbiturates of the type used to produce sleep to the level of surgical anesthesia; they are also used in certain psychiatric treatments.

The type of barbiturate that is used in obtaining a greater amount of truth from the subject is comparable to the one used for producing a good nights' sleep except that the former acts more quickly and finishes acting more quickly. The typical barbiturate, phenobarbital, taken in an average dose will put an average person to sleep in about an hour and keep him quite drowsy for about eight hours. The type of barbiturate used as a "truth serum" is not given by mouth, but in a solution injected into the blood stream through a vein; it starts acting usually within two or three minutes and finishes acting within ten to twenty minutes after stopping the infusion. During that time, the subject can be reduced to the level of complete unconsciousness so

that a short surgical operation can be performed on him. Or he can be kept at a level that is almost unconscious, but at which his normal ability to judge and censor what he says is removed. In such a state many things that people normally would be too discreet to tell may be told; questions that ordinarily they would not like to answer they are often compelled to answer.

§19.2 Undesirable reactions

In medical work these substances are used with much caution, one reason being that patients can die from their effects. One has to be prepared to administer such measures as artificial respiration. Also, some patients become violently excited and are difficult to manage; generally such excitement is of short duration.

§19.3 Impairment of brain function

When these drugs are administered, there is a definite impairment of brain function just as in such other diseases of the brain as brain tumor, arterial sclerosis and head injury, although with the drug the impairment is of a temporary nature. But it is important to realize that whatever facts are produced under the influence of such drugs are being produced by an organically impaired brain. Therefore such facts by themselves can have little standing in terms of incriminating an individual. But they may provide clues to other evidence which is in itself objective and which is not contingent on the disability of the statements made by the person while under the influence of one of these drugs.

§19.4 Mental illness; inability to speak

There are certain instances, of course, where the person who is suspected of a crime is in a state of not being able to communicate; there may even be a question concerning the person's sanity as well as what he was doing at the time of the crime. It may be part of the routine medical examination of such a person that a quick-acting barbiturate be used to attempt to determine the nature of the mental illness, particularly in people who simply will not speak, as

well as where there might be a question as to whether the mental illness is being faked or is some type of psychosis or major hysteria. Very often in general and psychiatric hospitals, such persons are routinely investigated with one of these truth-revealing drugs as part of the medical diagnosis. Such people often produce much verbal material, having formerly been mute, and some of it is very coherent. It is obtained under circumstances that make it part of the medical record, and the doctor who obtains it is bound by ethical and legal considerations not to reveal it.

§19.5 Threatened use to encourage talking

There is another use made of these barbiturates which is contingent not on their actual use but on the threat of their use, namely where the subject is not showing any cooperation, is mute or evasive, or perhaps is deliberately trying to feign insanity. The very statement in such a person's presence that if the person will not speak, it might be a good idea to give him a drug which will make him speak in order to determine what is the matter with him can, itself, act as a kind of a diplomatic promotion of speech.

§19.6 Measures analogous to truth serum

There are measures analogous to the use of "truth serums" that do not involve drugs or the dangers of using such drugs. These measures are procedures that demoralize the subject. For example, during World War II high-ranking German officers who were of the classic Prussian officer type, very much dependent on discipline, order, good grooming and punctiliousness for their morale, were interrogated while prisoners. It was so arranged that such officers could not stay clean and orderly, could not shine their boots, perhaps could not even find their boots, could not observe schedules and could not observe good grooming. Sometimes such a regime demoralized them to a point where their normal reticence, amounting at times to muteness, was abandoned. Such things as lack of sleep, extreme fatigue and exhausting questioning produced similar effects.

Simpler drugs than the barbiturates also produce similar effects. Alcohol is the best known. Opiates are

also well known, although they are less commonly available.

§19.7 Spurious confessions

It is important to realize that in some people the facts obtained by the use of "truth serums" are only spuriously incriminating. There are forces of conscience that differ in intensity in different people, but in some people are very strong. And it is a peculiar quality of some of these drugs that they produce an outpouring of guilt on the part of the subject. Hence, on direct interrogation these people with strong consciences cater to their own feelings of guilt by confessing to almost anything one accuses them of. The same is true particularly of some depressed psychotic patients. However, if one takes the attitude that material derived in this way is in itself very much open to question, but may provide clues to the construction of objective evidence, then one will avoid wrongful accusation of the subject.

§19.8 Release of aggressive and vindictive feelings

Another point to be stressed is that aggressive and vindictive feelings are also apt to be released by these drugs. People under their influence often will accuse others. It is important to realize that such an accusation may represent their fantasies or wishes rather than reality. These drugs have been used in the treatment of battle fatigue of air force personnel, many of whom became nervous, unable to sleep, depressed, unable to work and pent up--really very sick people. These people were often given barbiturates intravenously on three or four occasions. The subject was then urged to speak whatever was on his mind, which in a tense, nervous, battle-fatigued individual was a great deal. A lot of material involving feelings of guilt and accusation of others often resulted. After this material had poured out and the drug had worn off, the doctors would go over the material with the fully conscious subject in an attempt to get from him what these pent-up feelings meant to him. First, was he aware of them? Now that he has revealed them, do they mean anything to him? That procedure came to be known as narco-synthesis.

§19.9 Withholding information despite truth serum

Some people are able to withhold information despite the administration of a "truth serum." It is not unusual for material to come out with the third or fourth narcosis which the subject was able to bottle up very successfully the first and second times. One learns to gauge the tension of the individual. Some people need four times as much of the drug as others to produce the loss of ability to censor what they are going to say.

§19.10 Competency of the examiner

The effectiveness of the administration of such a drug is also related to the competency of the examiner. If the subject is with someone in whom he has confidence and whom he does not suspect of antagonism, then he will reveal much truth early. This is one of the advantages a doctor who treats in his own treatment room or office has when the patient is suspicious and antagonistic and the examiner has to go quite deep in order to break down the patient's ability to censor what he will say.

§19.11 Individual reaction to truth serum

Of course, there is much individual variation. Some people babble very freely, after drinking a little alcohol, much more than they realize. But when they drink five times as much they become very guarded. In the first stage they are still unconscious of their intoxication, but when they really feel the organic signs of difficulty in coordination, sight and speech, then they often become extremely guarded. Similarly, in the use of intravenous barbiturates, such as "truth serums," it is necessary with certain people, in order to break down their ability to censor, to put them into an anesthesia very quickly. This procedure is medically a little more dangerous, but if you have all resuscitating measures on hand, it is a risk one can afford to take. The patient is "put down" very quickly and brought out very quickly, more or less catching him off guard on the rebound. The less guarded, less inhibited individuals will often talk very freely as soon as they begin falling under the influence of the drug.

§19.12 Ethical considerations

Where some serious crime is unsolved and where material of this type can lead to the finding of other evidence which is objective, then a doctor has to use his own conscience as to whether it should be presented to the people involved in the execution of law and justice or not. Such decisions, fortunately, rarely have to be made. They are in general beyond the accustomed area of judgment of a physician, but it is a good idea for law-enforcement people to know that in certain instances such evidence does exist.

Chapter 20
The Possible Role of Hypnosis in
Criminal Investigation
by
Dezso Levendula, M.D.

Section

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- 20.2 Cause and definition of hypnosis
- 20.3 Induction techniques
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§20.1 Introduction

The purpose of this discourse is not necessarily to teach the investigator how to hypnotize, but rather to inform him realistically about this interesting facet of human behavior.

The popular and, also, the scientific literature dealing with hypnosis frequently raises the question, "Why is hypnosis not utilized in crime detection?" This inquiry presupposes that hypnosis is of value in interrogation. If we accept this assumption then the question immediately

arises, "To what extent and when is the use of hypnosis legally permissible in interrogation?" As I am not an expert in law, therefore, I have to disqualify myself to enter into an argument regarding this issue. Perhaps if we try to gain a clear understanding of what hypnosis is, we may consider these hypothetical questions more intelligently.

§20.2 Cause and definition of hypnosis

If one accepts the statement that hypnosis as a phenomenon is a normal attribute of the human mind, then one can also assume that hypnosis existed since the time man had developed a brain. Theories attempting to explain the cause of hypnosis are in abundance. The fundamental problem for all scientific inquiry is the problem of causation. Explanatory definitions usually unmask themselves as the descriptions of manifested phenomena. This statement shall not be construed as derogatory because if final explanation consists in tracing back causal relationships to the origin of action then the "why" of the inquiry can never end. Perhaps for this reason we shall be satisfied to give only a descriptive definition of hypnosis: "The hypnotic state is an altered state of mental functioning during which the subject accepts, more or less uncritically, a suggestion which does not need to be logically motivated. During the hypnotic state the testing of reality is suspended to a varying degree, therefore, hallucinated perceptions may be accepted as real."

One should make an attempt to differentiate between the trance induction and the achieved trance state, although, it is true that a sharp dividing line does not always exist between these two conditions.

§20.3 Induction techniques

It would take volumes to describe all the induction techniques, but basically they all have the following common characteristics:

First: Fixation or concentration of attention. The hypnotist may motivate the subject to pay undivided attention to an external object, such as a light or a spot or the eyes of the operator. The hypnotist may choose to instruct the sub-

ject to close his eyes and to pay attention to certain imageries, as requested by the hypnotist.

Second: The limitation of the sensory intake which is the result of the fixation of attention is also conducive to get into a trance state.

Third: The restriction of the motor activity is characteristic of most induction techniques.

Fourth: Repetition or monotony is an essential feature of induction. Repetitive innocuous stimuli are very reassuring because they reduce the alerting alarming element.

§20.4 Trance induction and sleep compared

One cannot fail to notice that the trance induction to a certain extent resembles the process of going to sleep. In both instances, namely in trance induction and in going to sleep, the disturbing external alerting stimuli are reduced to a minimum. A comfortable position is preferred in order to diminish the alerting sensations coming from the joints and muscles. The limitation of the sensory input to one channel of awareness leads to the abdication of the self-alerting defense mechanism which in turn diminishes the sharp boundary which exists between the "I" of the person and the "otherness," that is the world around the person. In normal physiological sleep the person withdraws from the environment and communicates only with himself. In the hypnotic trance, due to the blurring of the ego boundary, the hypnotized may perceive the hypnotist as part of his own ego. Allegedly this is the reason why a suggestion given by the operator is accepted as if it would have been originating in the subject's own mind.

§20.5 Regressive theory of hypnotizability

The regressive theory as the basis of hypnotizability was first offered by Ferenczy who stated in 1909 that hypnosis recapitulates the dependent child-parent relationship and the hypnotized accepts the word of the operator, either because he perceives him as the father whose orders could not be questioned, or as the mother who lulled the child into security. Freud carried this idea further and considered hypnosis as an archaic mode of behavior reaching

back on the social evolutionary tree to the times when the tribal chief ruled the primal horde with unquestioned authority.

Inasmuch as every psychological phenomenon has its physiological counterpart, one can speculate that when a regressive behavior occurs, parts of the brain are called into functions which are capable to produce such a regressed behavior. It is therefore assumed that under hypnosis the usual cortical preponderance gives way to the more accentuated functioning of the lower brain centers. This is expressed with the statement that under hypnosis the subconscious comes more to the foreground than in the normal waking state.

It is believed that the hypnotized is not as much restrained in his utterings as the awake person because the critical ego function, that is the cortical function, is markedly diminished and, therefore, suppression and repression are lessened.

The concept of regression is not as remote as one would think because when going to sleep we naturally regress to an earlier mode of behavior. We abdicate our alert watchfulness against danger just as we did as children when we trusted that our parents would watch over us. The dream language, also, is a reversion to an earlier mode of pictorial-prelogical way of thinking as contrasted with the verbal-logical thinking of the older child and adult.

Although it would be tempting to conclude that hypnosis is a form of sleep, this is not the case. Rather, one can theorize that the hypnotic state is similar to sleep. Wolberg, a foremost authority, expresses this well when he states that "hypnosis is like a hammock which is strung between the waking and sleeping state." And Kubie calls the hypnotic state "controlled sleep." Electroencephalographic evidences show that the hypnotized does not sleep in the physiological sense, because the tracing is different from that of the sleeping state and rather corresponds to the waking state. From a medical-legal standpoint this bears emphasis.

§20.6 Trance without verbal manipulation

If it is valid that the restriction of the sensory in-

put leads to the hypnotic state, then creating such a condition should lead to a trance without any verbal manipulation. This possibility was conclusively proven by Margolis and Kubie. These authors applied a throat microphone to the neck of the subject and after amplifying the breath sound they conducted it back stereophonically into the subject's ears. Without verbal suggestion in about ten minutes a so-called hypnoidal trance occurred which is a transitory state between wakefulness and sleeping. I have repeated this experiment and I have found it to be valid. Also, I have found that after inducing the hypnoidal trance without talking, as described above, I am able to deepen the trance, communicating with the subject through a microphone. This experiment shows without a doubt that hypnosis can be induced without verbal suggestion and that the subject does not need to consent and express a willingness to be hypnotized. Should the person turn out to be a good subject, capable of amnesia following the trance, he may never know that he was hypnotized. It is conceivable that a polygraph operator who obtained the permission of a subject for the examination may attach the throat microphone rationalizing that this is part of the procedure. He may not need to use any verbal suggestion to induce hypnosis. His only task would be to motivate the person with some explanation to listen to his own breath sounds. I do hope that I will not be accused of developing ways of hypnotizing a suspect in an illegal and unaware fashion. I merely state in the interest of science that such a procedure is possible.

§20.7 Limitations on hypnosis

Hypnosis is a most complex phenomenon; although, one can state that nearly all normal people are hypnotizable one has to add hastily that not by everybody and not every time. Also, it is important to emphasize that hypnosis is a qualitative and quantitative phenomenon. Some people are not hypnotizable at all and some only to a light degree and others to a very deep degree. In the light trance the person can resist successfully suggestions which are either against his interest or do not agree with his moral standard. It is stated that the deeper the trance, the more uncritical is the acceptance of the suggestion. But even this

maxim is not always true. The two most important earmarks of the trance state are suggestibility and suspension of reality testing. One should become sharply aware of the fact that these attributes are neither fixed nor always producible and reproducible.

§20.8 Recall of past events

In connection with our specific topic, namely, the possible role of hypnosis in criminal investigation, one must raise the question, "Does hypnosis increase the recall of past events?" The answer is "Yes," but again one should add that this occurs to a varying degree. What never existed in the memory cannot be recalled and it is only natural to assume that what was observed more intently and with more interest will be easily recalled. One also knows that repetition increases a learning, therefore, under hypnosis, just as without hypnosis, memories which are based on more extensive learning are easily recalled. If one assumes that Freud was right and emotionally painful events are repressed then one can understand that the recall of such occurrences is not as easily produced as that of neutral or emotionally not disturbing events. On the other hand some events are easier remembered just because they had a greater emotional implication for the person. All these so-called rules and exceptions show that hypnosis is not an isolated phenomenon of human behavior, but perhaps a cross road which may lead to the understanding and investigation of many other behavioral phenomena.

§20.9--Experiment concerning recall

The following shall illustrate that hypnosis is an aid in increasing the recall in certain individuals. A controlled experiment was set up by Samuel R. Gerber, M.D., Coroner of Cuyahoga County, in which this author participated. While giving a lecture to an audience consisting of police officers the two secretaries who took notes got into a pre-arranged mock fight. One used a theatrical ice pick with which she allegedly stabbed her partner. The audience did not know and was not prepared that such a "fight" would take place. First a verbal report was obtained from some

of the men witnessing the incident. Then the same men were hypnotized, not individually but as a group, and they were asked to write a report again after they had been aroused from the trance. A post-hypnotic suggestion was given that their recall pertaining to the incident would be sharper and more profound. No attempt was made to determine the degree and depth of hypnosis. The experiment showed that some of the participants were able to describe the incident more vividly and in fuller detail after hypnosis.

Characteristically when this incident was mentioned in the lay press it was cited again and again as an evidence that hypnosis increases "tremendously" the recall. Finally as a result of these articles various sources expressed the feeling that in the future hypnosis will play a very great role in witness questioning. All these exaggerated conclusions just because of one short experiment.

§20.10 Obeying suggestions against subject's interest

It is truly with tongue in cheek that I embark now on a perilous journey in writing about the question: "Will the hypnotized obey a suggestion against his best interest?" This question includes such topics as "Will the deeply hypnotized commit an anti-social act?" Milton H. Erickson, who is one of the foremost authorities on hypnosis, stated that he could not produce experimentally induced anti-social behavior. On the other hand, John G. Watkins, also a prominent expert, demonstrated just as conclusively that he could induce the good hypnotic subject to attack a superior officer and he was able to motivate the subject under hypnosis to divulge military secrets. Estabrooks, who is probably the foremost expert on hypnosis in warfare, writes with emphasis that hypnosis is a dangerous modality which can be used and abused for espionage purposes. In Denmark, Reiter fully believed that one can use hypnosis to induce a person to commit crime. Milton V. Kline, one of the keenest research workers in the field of hypnosis, stated in a recent paper that he motivated a somnambulistic patient to commit an anti-social act to which the subject strongly objected in the waking state. Kline, naturally, does not describe the act which was "not only anti-social, but punishable by law."

§20. 11--Anti-social conduct

This writer has neither the courage nor the personality characteristic to dare to engage in experiments proving that hypnosis can be used anti-socially. I did ascertain at least that a somnambulistic subject can be influenced to accept situations which are not for his best interest. Let me illustrate. A young person who has come for psychotherapy for the last six months, and is one of the best hypnotic subjects I have ever worked with, came on time for his hourly appointment. I was one-half hour late, but I offered to spend a whole hour with him. Paul stated that he was sorry, but he could not spend more than one-half hour with me because his father would pick him up on time and would be waiting for him in front of the building. When he returned for the next visit I asked him, while hypnotized, "How much time did we spend together on your last visit?" He answered, "Only thirty minutes because you were delayed in taking me." I told him that he participated in an interesting experience and really spent an hour with me, and naturally I would charge him for the whole hour. He accepted my statement without any objection and was billed for the full hour. Because Paul had told his father that he spent only one-half hour with me the amount of the bill was questioned by him. Paul hastened to explain to his father that he did not realize that I experimented with him and his sense of time must have been distorted. He assured his father that he did spend a whole hour with me and the bill was justifiable. I did get paid for the full hour. In order to satisfy my sense of decency, a few weeks after the original incident I kept Paul one-half hour longer without charging him for it.

This writer heard an internationally known psychiatrist-hypnotist recount that a stage hypnotist suggested to a somnambulistic subject that she was at home and ready to retire for the night, therefore, she might undress. When the lady stripped down to her panties and brassiere and was standing in front of the audience the hypnotist suddenly awakened her. This cruel joke subsequently resulted in a severe emotional breakdown to the subject. This incident illustrates well that if an experienced hypnotist construes and falsifies the situation under hypnosis as morally accept-

able then the person can, while hypnotized, do things which he would not do in the normal waking state.

§20.12 Testimony of hypnotized subject against self

From the forensic standpoint it would be most important to ascertain if the hypnotized would testify against himself. Although many such instances are mentioned in literature I have no personal experience to prove or disprove this statement. An experimental situation developed in a laboratory certainly does not prove or disprove the validity of such an important assumption. Still it is of some importance to mention that while working with a group of polygraph operators we set up an experiment where one "stole" a handkerchief from another. The "thief" was questioned with the help of the polygraph, but he did not disclose any emotional reaction to the interrogation. The whole group was examined and they were all considered as suspects." After the polygraph examination proved to be fruitless the "suspect" admitted under hypnosis on direct forceful questioning that he "stole" the handkerchief. When he was asked after arousal why did he admit the theft under hypnosis, he simply stated that he had the urge to do so after he was asked under hypnosis.

§20.13--Personal injury plaintiff

There is another instance in which the attorney for the defense asked me to hypnotize a patient who suffered a severe head injury while on the job and which resulted in a retrograde amnesia. The person was unable to recall if he fell accidentally or if he was criminally attacked. There were no witnesses available. Nevertheless the person claimed damages and intended to sue the company. It was important to ascertain how the injury occurred. The polygraph examination disclosed that he was lying about certain facts. Under hypnosis he admitted that he was drinking quite heavily on the job, although this was expressly forbidden, and he may have fallen as a result of it. In spite of hypnosis he could not recall if he did fall or was attacked by someone. The amnesia was organic as a result of the brain concussion and brain injury. It was not a hysterical state of mind. The

attorney representing him decided that the disclosure obtained under hypnosis should be considered as privileged communication and neither the polygraph operator nor I submitted a written report about the patient's damaging disclosures.

§20.14 Semiconsciousness during hypnotism

Many popular articles manage to convey the misconception that the hypnotized is a powerless puppet in the hands of the operator. Nothing is further from the truth. Even the deeply hypnotized person is not unconscious. He may or may not develop amnesia for the hypnotic event. As a rule the subject will remember what occurred during the trance and will be able to recall and recount the experience. Amnesia is the exception and not the rule. It also bears emphasis that some hypnotized persons can lie, perhaps even better than the non-hypnotized. This is comparable with similar experiences when the so-called truth serum is administered.

Although I cited some isolated instances which show that the hypnotized may participate in an action which is against his interest, I believe it is not right to state that every hypnotized person, every time, will do so. The important question, namely, if the hypnotized can be forced to testify against himself, is still debatable. Only when the hypnotized actually committed the crime and his testimony would lead to his conviction, would it be a convincing evidence to prove that hypnosis can be used to extract a confession, even if it is self incriminatory.

§20.15 Use at pre-trial examination

Due to this writer's meager legal knowledge he can only speculate if hypnosis would be permissible at all in pre-trial examination. Harold Miller in his book, "Interrogation" states that the privilege against self-incrimination pertains only to judicial examination and not to a confession made to a police officer. The latter is an extra-judicial confession which has taken place outside the courtroom. Miller states that pre-trial confessions are not required to issue from the spontaneous decision of the sus-

pect. The term "voluntary confession" does not mean that it has to be obtained without questioning. Probing and urging and certain semantic manipulations are permissible. For example voluntary submission to the polygraph examination does not mean that the suspect actually was willing to confess. On the contrary, he may have been hoping that he could "beat" the polygraph. Similarly it is feasible that the suspect, even though he knows he is guilty, may permit the induction of hypnosis thinking that he can trick the hypnotist.

Good investigative techniques cannot be cast aside when polygraph examination is permitted. For the same reason the use of hypnosis shall not be substituted for proper interrogative techniques.

§20. 16--Who should function as hypnotist

The question arises as to who should function as a hypnotist, if hypnosis should be permitted during the pre-trial examination of the willing or unwilling witness. Perhaps a physician must be entrusted with this procedure, just as in the case of the truth-serum application. I am not quite convinced that this is correct. The injection of sodium amytal is a medical procedure. On the other hand the induction of hypnosis is quite easy to learn by any intelligent person. It is entirely conceivable that the scientifically trained investigator could learn the technique well. He could orient himself about the dangers and limitations of hypnosis and because he would not use hypnosis for any reason other than questioning, in all probability he would not meet unusual complications. Theoretically it is claimed that the malicious investigator could motivate the suspect to confess to a crime which he actually did not commit. Fortunately we know that a confession alone is not considered sufficient evidence to convict a person. Therefore, fears in these respects are quite exaggerated.

§20. 17 Compulsion to confess

One wonders why a suspected criminal confesses at all. After committing the crime certainly it is not in his best interest to confess to it. Theodore Reik writes in his book "Compulsion to Confess" that the criminal confesses

because his super-ego, that is the built-in judge, urges him to expiate the sin. One could theorize that the hypnotized person may confess to a crime easier, because by giving up some of his ego control his defenses are weakened and he considers the hypnotist's ideas as his own. One can question if this pertains to experimental situations only, or if it would be equally applicable when the accused's life may depend upon admitting the guilt. I am in no position to decide this most important issue and according to my knowledge of the literature I do not know of anyone who could speak with final authority on this subject.

§20. 18 Conclusion

In conclusion it can be said that hypnosis is within the realm of the normal spectrum of human behavior and it can be elicited easily in most people. It was found that out-going intelligent people are the best subjects. Hypnotizability does not denote a weak will. On the contrary a certain amount of will power is necessary in order to concentrate on the offered directions. From a legal standpoint it is worthwhile to emphasize that one does not necessarily have to consent to be hypnotized and that a person can be hypnotized unaware. The popular idea that the hypnotized person is a slave of the hypnotist is untrue. Although illogical suggestions may be acted upon by the hypnotized it is established that many persons, even in the deepest hypnosis, will not accept a suggestion if its fulfillment is against their best interest. But it is fair to add that under certain circumstances a person will execute a suggestion even though it may be anti-social and against the law. By the same token it is quite feasible that some individuals under hypnosis may be willing to confess to a crime.

The whole question of the possibility of utilizing hypnosis in criminal investigation is surrounded by so many ifs' and buts' and speculations that only its application in actual circumstances could decide this most important issue. Until such research is possible one must wait and wonder if future scientific investigative work will give us the desired answer.

Chapter 21

Police Interrogation and the Rights of the Accused in England

by
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Section

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§21.1 English law of confessions

The late Sir Edward Marshall Hall, when accepting a brief to defend, is reputed to have said "Never mind about the details -- what did the bloody fool say to the police?" It is more often what "the fool" has said which tells so heavily against him at his trial. Because of this the admissibility of any statement or confession made by a person against whom legal proceedings have been commenced is invariably contested and frequently bitterly attacked.

By the law of England, a voluntary and unsuspected confession is sufficient to warrant conviction - where-

ever there is independent proof that by someone a criminal act has been committed. It is not necessary in law that a confession be corroborated. The law holds that, if a man makes a free and voluntary confession which is direct, positive and properly proved, a jury may, if it thinks fit, convict him of any crime upon it.

However, it has long been established as a positive rule of English law that no statement by an accused person is admissible in evidence against him unless it is shown by the prosecution to have been free and voluntary in the sense that it has not been obtained from the accused either by fear of prejudice or hope of advantage exercised or held out to him by a person in authority.

A person in authority is someone engaged in the arrest, detention, examination or prosecution of the accused, or someone acting in the presence and without the dissent of such person, and perhaps even by someone erroneously believed by the accused to be in authority. Briefly, it may be said to be someone in a position to press for punishment or plead for leniency.

It lies upon the prosecution to establish and not upon the accused to negative that the confession is voluntary.

§21.2 Question for trial judge

The question of admissibility of a confession is, in the first instance, one for the judge at the trial. It is decided upon evidence and argument in the absence of the jury. The question of weight to be attached to the confession is, however, one for the jury. The defending counsel has the right to cross-examine the police (witness) again in the presence of the jury and on the circumstances in which the confession has been obtained. Furthermore, the judge should tell the jury that if they are not satisfied that it was made voluntarily, they should give it no weight at all and should disregard it.

When a witness has to give evidence of a confession there must first of all be evidence of the circumstances under which it was taken, and of its voluntary nature. This may be given without waiting for the confession to be challenged and it usually is.

§21.3 Promise or threat as ground for exclusion

A promise or threat used as a ground to exclude a confession must relate to the charge, must reasonably imply that the prisoner's position in relation to the charge will be better or worse, according as he does or does not confess. For example, a threat or promise relating to the spiritual welfare of the prisoner will have no such effect.

§21.4 Judges Rules for admissibility

The Judges Rules were formulated for the purpose of explaining to police officers engaged in the investigation of crime the conditions under which the courts would be likely to admit into evidence statements made by persons suspected of or charged with crime. The police must bear in mind that they were drawn up to insure that any statement tendered in evidence should be a purely voluntary one and therefore admissible in evidence. The first four Rules were formulated in 1912. Prior to this there was no authoritative guidance as to the procedure which should be adopted by police to insure that statements made by an accused person would be admissible into evidence. There was constant dispute and inconsistent methods were employed throughout the country until the Home Office asked the Judges of the King's Bench Division to draw up Rules to govern the procedure. The Judges at first refused, saying the Rules would be a handicap to the police, but eventually the first four Rules were produced. Other Rules have been added from time to time. All were formulated by 1918.

§21.5--Judicial approval of Rules

No doubt on account of the complexity of the subject the Judges Rules have not been adopted as part of the law of England—they have no statutory backing. The Court of Criminal Appeal has remarked that these Rules have not the force of law, but are administrative directions which should be observed by the police for the fair administration of justice. Statements obtained from persons contrary to their spirit may be rejected at the trial. More recently the Court of Criminal Appeal said: "It is too often assumed that

non observation of the Judges Rules renders the evidence brought forth inadmissible." In another case the court said, "Non observation of the Judges Rules is objectionable, and the sooner the police (of Bristol) study them and learn to abide by them, the better." These conflicting statements emphasize that the Rules are not mandatory laws but discretionary guides.

§21.6--Basis for admission of confessions

Before one can comprehend the Judges Rules it is first necessary to consider briefly the law relating to the admissibility of confessions. A voluntary confession of guilt, if it be full, consistent and probable, is justly regarded as evidence of high value and a most satisfactory nature. "Self love," the mainspring of human conduct, will usually prevent a rational being from making admissions prejudicial to his interest and safety, unless when caused by the promptings of truth and conscience. The presumption of law is that no person will make a statement against his interests and safety unless it be true.

§21.7--Rule No. 1; preliminary questioning

When a police officer is endeavoring to discover the author of a crime, there is no objection to his putting questions in respect thereof to any person or persons, whether suspected or not, from whom he thinks that useful information can be obtained.

This Rule calls for little comment. It does sometimes help to persuade the reluctant witness who adopts the attitude -- "Why should I make a statement? Why should I be drawn into a criminal prosecution?" -- to remind him that Her Majesty's Judges have categorically stated that the police may take statements from persons whether suspect or not, if it is thought they may assist investigation into crime. It is, of course, no more than a bluff, but often succeeds in convincing those persons whose outlook is such that they are inclined to regard questioning as "not nice," or who for some other reason do not wish to assist the police to prosecute in a criminal case.

Rule No. 1 also tells the police that they may question persons suspected of crime. In this respect the English police have no more authority than other police. The questions and answers made to the police can be admitted in evidence against the suspect should he eventually be charged with the crime about which he was interrogated, subject to the proviso, of course, that his answers were not extorted from him. As will be seen, however, when suspicion is supplanted by *prima facie* guilt, the freedom of questioning is ended and strict rules apply.

§21.8--Rule No. 2; warning the suspect before charging him

Whenever a police officer has made up his mind to charge a person with a crime, he should first caution such person before asking any question or further question, as the case may be.

The word "charge" in this Rule means when an officer has made up his mind to arrest and formally charge, with the object of bringing the offender before a court of law, or when he has made up his mind to commence proceedings against the individual by way of warrant or summons (not by direct arrest). A police officer can only make up his mind to "charge" when it can be proved:

- (a) that a crime has been committed by someone:
and
- (b) a *prima facie* case against the individual now exists, sufficient to justify bringing him before a court of law on that charge.

Rule No. 2 does not permit an officer to question *ad lib*, a person charged or about to be charged, providing he has cautioned that person; rather in such cases he may only question sufficiently to remove ambiguity in what has already been said, and even then only after caution.

It will be seen from Rule No. 7, quoted below, which was added some years after Rules 1 to 4, that if a person is arrested in circumstances outlined in Rule No. 2, no question may be put to him except for the purpose of removing ambiguity in what has already been said in relation to that charge.

§21.9--Rule No. 3; warning when taken into custody

Persons in custody should not be questioned without the usual caution being first administered.

It is the phrase "persons in custody" in this Rule which may give rise to some misunderstanding. A Home Office Circular of June 24, 1930, points out that His Majesty's Judges advised on this point as follows:

"Prima facie the expression 'persons in custody' in Rule No. 3 applies to persons arrested, before they are confined in a police station or prison, but the Rule also applies to persons in the custody of a gaoler. The terms 'persons in custody' and 'prisoners' are therefore synonymous for the purpose of this Rule."

§21.10--"In custody" and "prisoners" explained

The terms "in custody" and "prisoners" require explanation. If a literal translation is made of Rule 2, Rule 3 and Rule 7, it may appear that a person in custody can only be questioned after being cautioned and then only to clear up ambiguity in what he has actually said in a voluntary statement. This is not so. This view, when related to practical experience, reveals a ludicrous situation. Supposing a police officer, late at night, walking down a quiet country lane, hears a scream and the sound of blows. Seconds later he sees a man running towards him. What should the police officer do? He should arrest the man on reasonable suspicion that a felony has been committed. Is the man in custody? Is he a prisoner? Literally, he is. Is there anything ambiguous in what the man has said? He has not said a word. Is the police officer barred by the Judges Rules from asking questions? The man in custody may be an innocent pedestrian who, seeing a woman violently assaulted, was running for medical aid and for the police. Should the police officer arrest and detain the man, observing strict silence vis-a-vis "a person in custody" and then make the necessary inquiries? The answer is, obviously, "No!"

Clearly a person may be "in custody" before a police officer has made up his mind to charge him and even before he has evidence upon which to charge him. A per-

son whose liberty is thus restrained while necessary inquiries are made, although clearly a person in custody, may be questioned by the police after being cautioned.

Once a person is in custody for a particular crime—when sufficient evidence establishes a *prima facie* case or a formal charge has been made—then no more questions may be put to him except for the purpose of removing ambiguity in what he has already said. He must not be questioned on the subject of the crime for which he is in custody.

The Home Office Circular of 1930 sheds some light on the point. "In any case before the formal charge is made, the usual caution is or should be 'You are not obliged to say anything and anything you say may be given in evidence.' In the Secretary of State's opinion this form of caution may be properly used at any time during the investigation of a crime at which it is necessary or right to administer a caution. For example, when a person is being interrogated by a police officer under Rule 1 whether at a police station or elsewhere, and a point is reached when the officer would not allow that person to depart until further inquiry has been made and any suspicion that may have been aroused has been cleared up, it is in the opinion of the Secretary of State desirable that such a caution should be administered before further questions are asked."

A person in custody for one crime may be questioned by police about other crimes he may have committed provided he is cautioned.

§21.11--Rule No. 4; voluntary statements

If a prisoner wishes to volunteer any statement, the usual caution should be administered. The caution should end with the words --". . . be given in evidence."

Rule No. 4 requires little explanation except to say that the "usual caution" is that already mentioned—"You are not obliged to say anything, but anything you say may be given in evidence."

Further, remember that no questions may be put to the prisoner about the voluntary statement, except for the

purpose of removing ambiguity in what he has actually said, e. g. "I have hidden or thrown away the property." He may properly be asked, "Where have you hidden or thrown it?" Or if he has mentioned an hour without saying if it were morning or evening, he may be questioned sufficiently to clear up the point. Questions as well as answers should be included in the statement and given in evidence.

§21. 12--Rule No. 5; form of caution when charged

The caution to be administered to a prisoner when he is formally charged, should therefore be in the following words: "Do you wish to say anything in answer to the charge? You are not obliged to do so, but whatever you say will be taken down in writing and may be given in evidence."

It was the practice of some police forces before 1912 to finish the caution with the words -- ". . . and may be given in evidence against you." The judges advised against the use of this phrase and said care should be taken to avoid any suggestion that his answers can only be used in evidence against him, as this may prevent an innocent person making a statement which might assist to clear him of the charge.

The prisoner is only once formally cautioned in the words of Rule 5 and that is when he is formally charged before the station officer at a police station prior to his appearance at court.

§21. 13--Rule No. 6; statements made before caution

A statement made by a prisoner before there is time to caution him is not rendered inadmissible in evidence merely by reason of no caution having been administered but in such a case he should be cautioned as soon as possible.

The danger here is found in practice not to be an unscrupulous police officer allowing a person to commit himself on the excuse that the statement was uttered before there was time to caution, but of the over conscientious police officer administering the caution too soon. By opening

his own mouth he may close that of the suspect who, whether guilty or innocent, believes after the caution has been given that he is going to be charged and therefore may say no more until he has taken legal advice. Thus, not only may we lose valuable clues of guilt, but sometimes an innocent person may suffer the reproach and embarrassment on his trial of not having put forward his defense at the earliest possible moment.

An example is the innocent bystander who, late at night on a lonely road, sees a woman violently assaulted and runs away from the scene of the crime to summon police and medical aid. For private reasons he does not disclose his identity to the police who, discovering it later, and the crime being unsolved, will want to question him. When asked to give an explanation of his movements he may say, for example, that he had been visiting his club and was walking home. Inquiries may reveal that he had not visited his club that night. When further questioned he may say — "All right, I'll tell you the truth." He has not at this stage disclosed evidence of guilt and if "cautioned" may decide to say no more, fearing he is going to be charged—which, as a result of his silence, together with the general circumstances, he may be. The truth might be, however, that he was a married man and was having an affair with a girl friend whom he had just left to walk home. He may have felt embarrassment at having to disclose this to a police officer in the first instance. When realizing the seriousness of the situation he was about to make a full disclosure to the police but was nagged into silence by the administering of the caution.

The time to caution a suspect is immediately after he has disclosed some evidence of guilt — and not before.

§21. 14--Rule No. 7; cross-examination of prisoner making voluntary statement

A prisoner making a voluntary statement must not be cross-examined, and no questions should be put to him about it except for the purpose of removing ambiguity in what he has actually said. For instance, if he has mentioned an hour without saying whether it was morning or evening, or

has given a day of the week and day of the month which do not agree, or has not made it clear to what individual or what place he intended to refer in some part of his statement, he may be questioned sufficiently to clear up the point.

This Rule was discussed with Rule No. 2 above.

§21. 15--Rule No. 8; reading statements to others charged

When two or more persons are charged with the same offense and statements are taken separately from the persons charged, the police should not read these statements to the other person charged, but each of the persons should be furnished by the police with a copy of such statements and nothing should be said or done by the police to invite a reply. If the person charged desires to make a statement in reply, the usual caution should be administered.

This Rule is not difficult to understand. It was introduced to prevent the practice by which police would give evidence before a court to the following effect:

"We have arrested the prisoner 'X' who admits his guilt and says that you ('Y') were with him and assisted him to commit the crime." The man 'Y' was then asked to make a statement. Even though 'Y' made a statement denying his complicity in the crime, it was a way to get before the jury the statement of 'X' implicating 'Y.'

Rule No. 8 also applies to persons whom the police have arrested and not yet charged, but who are implicated by a statement of a prisoner already charged.

§21. 16--Rule No. 9; written and signed statements

Any statement made in accordance with the above Rules should, whenever possible, be taken down in writing and signed by the person making it after it has been read to him and he has been invited to make any corrections he may wish.

These Judges Rules have not proved to be a handicap to police interrogation. They represent intelligent guides for police officers to follow. When they do so a maximum of protection is given a subject and full opportunity to obtain truth for the criminal trial is permitted.

Chapter 22
Interviewing and Interrogation
by
George W. O'Connor

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§22.1 Interview and interrogation distinguished

The differences between an interview and an interrogation have been discussed in other sections, pointing up the fact that many individuals tend to think of them as being the same, which basically they are. They are the same in terms of their purpose, that of getting information. In terms of the manner in which they are conducted and techniques used, there is a great difference between interviewing and interrogation.

An interview is a conversation between the policeman and a witness or victim which is controlled somewhat by the police officer. An interrogation is also a conversation, but one which is very tightly controlled by the police officer, between himself and a suspect. The manner in which these conversations are conducted will depend primarily upon the type of individual involved.

§22.2 Interview - neutral or familiar grounds

Of particular importance in terms of the difference between the two, is the place where the interview or interrogation is conducted. The police can talk to the individual who was standing on the street corner where a traffic accident occurred and perhaps get more information there than by talking to him at the police station or in a police car. On the other hand if the individual is a suspect do not talk to him in a neutral spot, particularly in his own home. The police, on the other hand, should talk to the witness where he will be comfortable, where he will be in fairly familiar surroundings, where nervousness, anxiety or emotion will be at a minimum and where such emotions can be kept to a minimum.

If an individual has seen a traffic accident happen in front of his own home, I would suggest going inside the individual's home to discuss it with him. While it is unfamiliar to you, it is very familiar to him. He will not be concerned about other things around him. He can devote his full and complete attention to the questions that you ask. He doesn't have to worry about what is going on in the next room or what noise he hears down the hall. He can settle back to tell you the story.

§22.3 Interrogation -- neutral or unfamiliar grounds

On the other hand, the suspect should be a least on neutral grounds - at best, on grounds which are unfamiliar to him. In other words, if you go into a suspect's home to talk to him, he can do any number of things to keep you off balance and to avoid your questions. At the point when you are getting to the crux of the subject or when you have asked a critical question he can say, "Excuse me, I

have to let the dog out," or, "I have to turn the stove off," or I have to do this or that. Any number of things within a man's own home can need immediate attention if he wants a distraction. The same thing occurs when you talk to people on everyday matters. Even at the police station, an individual may suddenly remember that he has to tie his shoe laces when you ask him a critical question; or he sees a pencil laying on your desk and moves it over a little bit; he wants to straighten your desk for you. There are little things that he can think of which he must do. Why? Because they throw the attention away from the question which was asked or the subject at hand. Thus, control of the location can save a lot of difficulties.

§22.4 Anxiety as a factor

Again, the factor of an unfamiliar place makes the individual more anxious. Generally speaking, this is desirable with a suspect. However, the officer wants to be in a position where he can turn that anxiety on and off, build it up or tone it down. The anxiety factor can be analogized to a see-saw. On this see-saw the board is the individual's mental processes or his mental level. If you put I. Q. or intelligence on one end and emotion on the other, it will balance, very much the same as a see-saw. If emotion goes up, intelligence goes down. There is a fairly direct relationship between the two.

Consider a quarrel between a husband and wife. The more intense it gets the more ridiculous it becomes; the remarks become emotional, not intelligent. Some stupid statements are said. Why? As emotion goes up, intelligence goes down.

Psychologists tell us that memory is a direct function of intelligence. Generally speaking, the more intelligent an individual is, the better his memory or the better his capabilities for remembering. This is another reason why you do not want the witness to be too highly upset or emotional, because you thereby keep his memory factor on a very poor level. With a suspect, however, the more upset he gets, the more likely he may be to forget that he wants to keep certain information secret.

§22.5 History of interrogation -- torture

Some points on the historical background of interrogation are interesting to consider. While the recent great developments that have been made in science are discussed often, many people think that many of the interviewing and interrogation techniques that police use today are of recent origin. Truly, the contributions of psychiatry and psychology to interviewing and interrogating techniques have been great. But, back in 1484, during the times of the German Inquisitions, the following are some of the rules set forth in a manual for interrogators for the judges of the Inquisition: (1) Witches could not confront witnesses as it was felt that they would hex them. If a witch was capable of hexing somebody, the accuser then would be hexed if he had to go directly in front of the witch to make the accusation. Stemming from this old practice is the police lineup. But the difference is that the accuser must face the individual today. (2) The witch was to be accused directly. This is not a new technique as it is done today. In fact, it is one of the standard parts of an interrogative process to make a direct accusation in hope that the suspect will not deny it. (3) The witch was questioned continually to see if she changed her story. That again is still done. (4) The witch was tortured until a confession was obtained and then she was brought into court so that she would repeat the confession in court. There is a similarity here, too. Failure of the witch to confess in open court resulted in another torture session. Five sessions of torture were allowed after which the person was to be freed if she would not confess in court. However, she could be rearrested and the whole procedure started again for another five sessions of torture.

§22.6--Brainwashing

This is a very handy device, used in Russia within recent years; according to the stories about Cardinal Mindszenty and others. Change the word "torture" and analyze it in a little different light and it becomes the technique of working on the individual until you get a confession. You go into court and if he refuses to make a confession in court, he is taken back. This is one of the worse parts of the so-

called brainwashing techniques. If the individual doesn't want to confess now, they have his whole lifetime to keep working on it. When a man stops to consider that he still has a good many more years to live, and he does not want to go through this rigor for that long, he feels he might as well confess in order to get out of one prison and into another one.

§22. 7--Promise of leniency

Another technique used on the witches was for one judge to promise leniency and then when the witch confessed, another judge would be brought in to sentence her. They really could not make promises, so the one who made it conveniently left the bench after the confession was in, and a second judge did the sentencing.

The witch was to be placed under guard and then other people would come in and promise her leniency and immunity. This can be done today, but it has to be handled very carefully. Anyone who is at all connected with the police department or with the courts, or the administration of criminal justice is in no position to make any promises, because if they do, it can invalidate a confession. However, the individual's clergyman, spouse, relative or friend can make all sorts of promises, provided that they are not at all connected with the police department and the person is not operating under the police department's instruction.

§22. 8--Proof by opinion evidence

Proof of witchcraft was established by general opinion of laymen which involved direct testimony, plus the confession that was obtained through some means. Today a conviction may come from circumstantial evidence, or testimony, or both plus a confession; not just by the direct testimony and the confession. It must be supported with other things.

§22. 9--Trial by ordeal

If threats and promises failed, torture was used. The person accused was made to undergo an ordeal. Today

the ordeal may be construed as the polygraph test. This is not too great an ordeal when compared with the ancient ordeals such as throwing a man in water and if he did not come up, he was guilty because he drowned. To some people, however, a lie detector is a real ordeal. In one case a woman was brought in for a lie detector test. She was very nervous. The operator managed to calm her down to the point where he was ready to put on the blood pressure cup and the respiration band around the chest, when she became nervous again. The coroner explained he could not give the test if she kept moving around and was so nervous. She said, "You are not going to hook me up to this machine until I see a priest." This was truly an ordeal for this woman. She was convinced that if she lied she was going to be executed right on the spot; that the machine was an automatic electric chair and turned on a terrific amount of current when a lie was told.

§22. 10--Listening to suspect's cell

Someone was posted to listen outside the door of the witch's cell. Some places still use that technique. Some have modified it; some have improved on it substantially. They don't have to sit outside the door of the cell, but they can sit in some other part of the building and listen to any conversation by means of modern electronic science. Placing someone in the cell with the witch to draw a confession from her was also done. This technique has not been forgotten. Somebody else is often put into the cell with the individual, perhaps a police officer, or some other trusted person.

§22. 11--Pressure of confinement

With many people being in a cell by themselves wears very hard, and they want to talk to somebody. They do not want to talk to the police but they do want to tell somebody about their troubles. Did you ever notice that when you have something on your mind and you are not going to mention it to anybody, the first person you meet and the first thing you say is invariably directly related to what you do not want to tell anyone. Tremendous pressure builds up

in an individual, and especially on a person who has been locked up in a cell for a period of time. When someone joins them, they have a tremendous urge to talk to that person.

§22.12--Hearing the confession

The last rule on the German Inquisition was that if the witch started to confess, under no circumstances should the judge put off hearing the confession. This, too, was an effective rule, because if somebody wants to confess, it will not wait. Even the delay of getting a stenographer can be bad. It would be better to sit in a room alone with somebody and listen to the complete confession because you can testify to this. If he refuses to tell the same story in front of a stenographer, you still have heard it. You can still testify to it; you still have a lot of information. That is better than going out to get a stenographer and have the prisoner say then that he does not want to say anything in front of her. Some interview departments have a set rule that only one person will interview at a time. This is in most cases a very valuable rule if you can enforce it.

§22.13--Interviewing women and violent persons

Women should be interviewed alone, but in a place where other people can see you. Never close the door. If you have a glass room where everybody can look in that is ideal. If you have a room that has no glass, and other people can not look in, then you should leave the door open. It is the same thing with psychotics. If you have someone who may get violent, do not be in a room all by yourself with the door locked. Sit by the door. If you have any suspicion at all that the suspect is a little strange, put yourself in a position where you can exit quickly.

§22.14--Rules from the Spanish Inquisition

There was another set of rules in the sixteenth century set up for the Spanish Inquisition which is worth mentioning briefly.

1. Do not kill or wound a suspect. (They had become very civilized then, and were aware of the rights of the

individual. Before this they could use physical violence.)

2. Do not be too precise in your questioning. This is what is sometimes referred to as High Level Abstractions or the use of words that are incomprehensible to the suspect. He must interpret them.

Ask if he knows who is accusing him. Today it is always a good device, especially with juveniles, to begin by saying, "Tell me why you are here."

3. Do not suggest answers.

4. Do not let crying bother you. What do you do when a woman cries? Let her cry. Do not try any critical questions during that time.

5. Do not get upset.

6. Allow the person to make up excuses. Try to create the impression that you are completely understanding. Tell him that you could understand why he did it or why someone would do it. Build him up. Make him feel that he is a real fine individual. When you criticize the victim you thereby build up the suspect.

7. Pretend that you already know the facts of the case even though you may not. Do not betray ignorance and do not give him the details of the case. This is important. There is a good example of giving details of the case. In a recent homicide, a husband took it upon himself to put his wife out of her misery. She was not really miserable, but he thought she was. He was arrested immediately and brought to the police station. They talked to him for a period of time. He had taken a .22 caliber pistol and shot her behind the ear on the left side. A .22 makes a very small hole. He threw the gun away.

Before the autopsy was performed, he was questioned. The police had found in his home an ice pick wrapped up in a sock in his dresser. They brought this in and apparently suggested to him that this was the weapon, because that little hole looked very much like an ice pick hole. He confessed to killing her with the ice pick. But he did not kill her with an ice pick; he had shot her. The police became very, very embarrassed over the whole thing because the answer as to what weapon was used was suggested to

him. The whole investigation stopped there. They had the confession; they had the ice pick; they had the body. They were ready to go to court. The autopsy turned up the bullet in the head. But during that period of time before the autopsy and after the confession, everybody was sure that it was an ice pick wound.

8. The Inquisitors used the "sweet and sour" technique which is probably also familiar.

9. Feed him and win his confidence. This is a rule that you will find you must follow in handling a suspect in an interrogation. You have to allow him to do everything that you yourself will do. You have to treat him as though he were also an individual, a human being with certain feelings and rights. When you are going to eat, let him eat. If you are going to go to the bathroom, let him also go to the bathroom. The courts will not tolerate keeping a man locked up for hours without anything to eat, without allowing him the use of the restroom, when the questioners have gone home, taken a shower and cleaned up, had dinner and come back.

As far as smoking is concerned, you can control his smoking. There is no vital bodily function that is met or satisfied by smoking.

Relay confession or interrogation teams are frowned upon. Two or three men will question a suspect for eight hours, and then go home and sleep. Meanwhile, three more will continue the questioning. The police are refreshed, well fed and rested, but the suspect is not. Fatigue is a terrific pressure factor on an individual. When it is used over a period of twenty-four to thirty-six hours, it will invalidate almost any confession. An individual so fatigued will do just about anything to be able to go to sleep. Today, this technique is in disrepute. The courts have been against it for years. However, most departments operate on an informal rule that they are allowed approximately forty-eight to seventy-two hours in which to complete their investigation. This is a long time for a person to stay awake. The lawyers, courts and public decry these approaches, and so do most modern American police departments.

§22. 15 Interrogation traps -- filling in details

"Interrogation traps" are techniques which have been used and reused to the point that their usefulness is nearly gone. The first one is the false incident technique. For example, if you have a suspect who tells a story which is his alibi, accept it. Give him every opportunity to fill in with specific details on his alibi.

Some time ago a college student was suspected of having kidnapped, raped and murdered a junior high school girl. She had disappeared mysteriously and was found six or eight weeks later in a shallow grave. The student claimed that he had taken a trip at that time to the state capitol and from there to a camp in the mountains. He claimed that he drove to the state capitol in order to file some papers with the State Land Office. The State Land Office was in a specific building, so the police asked him where the State Land Office was located. The suspect had never been to the State Land Office, but he gave an elaborate description of where it was, who worked there, etc., when led on by the suggestions of the police. The suspect went along with the officers to the extent of drawing the floor plan of the building to show where the office was in relation to the other offices, where the restrooms were, etc. He thought the police were believing him, but they checked his story. He was tried, convicted and executed.

§22. 16--Sweet and sour technique

The sweet and sour technique needs little elaboration. That is where one interrogator is the kindly father figure, who merely wants to see that the suspect gets fair treatment. He tells him he will be out as soon as he can clear up a few discrepancies. The other officer is a real villain type who keeps questioning the suspect harshly.

§22. 17--Use of the hypothetical situation

The third technique is the use of the hypothetical situation. This is where the officer says, "Look, I am sure at this point you did not do this. I have a pretty good idea that you were not connected with it, but I am a semi-student

of psychology and like to figure out how people think and how they would react in similar situations. How do you think you would have done it? Let us assume for a moment that you did commit this crime. How do you think you would have gone about it?"

It's surprising how often the individual who has already committed the crime will say, "Well, I did not do it, but if I were going to do it, I would do it this way." He often fills in some very specific details on how the actual crime was committed.

§22.18--The cold shoulder

The fourth technique is called the "cold shoulder." This is used to build anxiety, and unnerve the suspect. He is brought out of his cell and placed outside the office. Let him sit for fifteen, twenty, or thirty minutes, or as long as you feel it will take for him to get upset. Even if he comes in off the streets and you want to build anxiety, let him sit outside the office. Periodically look at him, shake your head and go back to what you are doing. Some interrogators let the suspect sit a whole morning. Some interrogators will put them off even if they indicate they want to talk. This is against the rule that if a man wants to confess the interrogator should let him.

§22.19--Overheard conversations

The overheard conversations is another technique whereby you allow the suspect to overhear a conversation which gives him the idea or the impression that you have more information than he thought you did. He can overhear, for example, that he was identified by an accomplice, if there were two or more people involved. This technique becomes very complex. You need to have a set-up, either with glass partitions, or offices where you can see from one into the other. The interrogator must be sure the one suspect cannot hear what is going on. Bring one suspect in and tell him to sit and wait for awhile. With the other suspect, you can say, "Our records are incomplete on you, we would like a handwriting sample. Just write down a few sentences.

Copy a paragraph out of this book or write down anything that comes into your head."

You do not care what he writes as long as he writes when the other suspect is watching him. When he has written a while ask him to sign his name. After he signs his name ask him to swear to the fact it is his signature. Most suspects do not protest to this. As this suspect is ready to leave say, "Is that the fellow we picked up with you?" He will usually look at the other suspect and nod or turn and acknowledge that it is. Then take him out so he does not meet his cohort.

When the second suspect is brought in, tell him he probably saw everything and knows the first man gave a statement, swore to it, and pointed him out as his accomplice. This is a very involved procedure, which will work occasionally if one suspect is nervous. Pick the weaker suspect to watch and use the stronger as the stooge.

Along the same line, if you have two suspects who can be kept in jail for a day or two without being charged, take the stronger one out of the cell four or five times a day for half an hour at a time. Be sure the second suspect sees his partner being taken out of the cell. About the fourth or fifth time you bring him back, thank him for his help and cooperation. Then immediately take the second man out of the cell for the first time and ask him if he would care to give his side of it. Indicate that you really do not need it, that the prosecutor is happy enough with one side, but it is only fair to the suspect that he should tell his story, too.

§22.20--The false lineup

The next technique is the false lineup. A lineup is a standard procedure. A suspect is picked up for stealing automobiles, for instance. Have some stranger point him out from the middle of the lineup as a robber or murderer. The suspect may say, "I am not going to take a bum rap for robbery. All I did was steal some guy's car." You usually have to use a more serious offense as the one for which he is falsely identified.

§22.21--Telling a story backwards

The last technique is telling a story backwards. When you get a story you doubt, have the suspect begin with the present and give it in this sequence; he usually will get very confused.

Chapter 23
Practical Problems in Interrogation
at
Scotland Yard*
by
George H. Hatherill

Section

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§23.1 Introduction

The interrogation of suspects and accused persons is a phase of police work of which more has been written

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and will be written than any other activity. I cannot help remarking, however, that many of those who have written so much on this matter have never had the experience of a police officer. They often just write from the theoretical line, which does not square up with the hard facts of experience.

The task of interrogating suspects or accused persons is probably the most difficult that an investigating officer is likely to be called upon to perform. In this particular work the greatest attributes of a successful investigation are displayed.

Many police officers are extremely efficient in the many various branches of police work, but some fall down when it comes to interrogation, often because they are lacking in the art and knowledge of psychology, particularly criminal psychology. Again, too, it is experience which is the most valuable asset in this particular sphere. However, before saying more about police methods of interrogation, it should be made clear that so far as the police in England and Wales are concerned, we may not interrogate anybody who has been arrested and is to be charged or has been charged.

Between 1912 and 1918 judges in the criminal courts formulated a number of rules for the guidance of the police in dealing with suspected or accused persons. Since 1918 there have been one or two cases which led to questions being raised in Parliament concerning the way police interrogated people. A Royal Commission, appointed to look into this matter, added certain notes on what are called "Judges Rules." Although these Rules are not law, they must be complied with by our police. One can say, in effect, that they were formulated for the purpose of guiding police officers engaged in the investigation of crime and explaining the conditions in which English courts would be likely to admit in evidence statements made by persons suspected of or charged with crime.

§23.2 Judges Rules on admissibility of statements of accused

I will just list these Rules and you will understand why, in the rest of this article, there will be no mention of

questioning accused persons:

- (1) When a police officer is endeavouring to discover the author of a crime, there is no objection to his putting questions in respect thereof to any person or persons, whether suspected or not, from whom he thinks that useful information can be obtained.
- (2) Whenever a police officer has made up his mind to charge a person with a crime, he should first caution such person before asking any questions, or any further questions as the case may be.
- (3) Persons in custody should not be questioned without the usual caution being first administered.
- (4) If the prisoner wishes to volunteer any statement, the usual caution should be administered.

(NOTE: When it is essential for a caution to be administered by the officer arresting, and before the investigation of the charge at the Station, the caution should be in the following words: "You are not obliged to say anything but anything you say may be given in evidence.")

- (5) The caution to be administered to a prisoner when he is FORMALLY charged should be in the following words: "Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence."

Care should be taken to avoid any suggestion that his answers can only be used in evidence against him, as this may prevent an innocent person making a statement which might assist to clear him of the charge.

- (6) A statement made by a prisoner before there is time to caution him is not rendered inadmissible in evidence merely by reason of no caution having been given, but in such a case he should be cautioned as soon as possible.

- (7) A prisoner making a voluntary statement must not be cross-examined, and no question should be put to him about it except for the purpose of removing ambiguity in what he has actually said. For instance, if he has mentioned an hour without saying whether it was morning or evening, or has given a day of the week and day of the month which do not agree, or has not made it clear to what individual or what place he intended to refer in some part of his statement, he may be questioned sufficiently to clear up the point.
- (8) When two or more persons are charged with the same offence and statements are taken separately from the persons charged, the police should not read the statements to the other persons charged, but each of such persons should be furnished by the police with a copy of such statements and nothing should be said or done by the police to invite a reply. If the person charged desires to make a statement in reply, the usual caution should be administered.
- (9) Any statement made in accordance with the above rules should, whenever possible, be taken down in writing and signed by the person making it after it has been read to him and he has been invited to make any corrections he may wish.

§23.3--Discussion of the Judges Rules

The first Rule, of course, does not present any difficulties. It allows the police to question anybody, whether suspected or not.

It is the second Rule which brings a police officer in England to a full stop in certain circumstances. The moment a police officer makes up his mind to charge a person he must administer the caution. It does not mean when such person is formally charged, but the moment the police officer decides to arrest.

The third Rule does not mean that a person who has been arrested and cautioned can be questioned. After being cautioned, if he should make a statement which needs

clarification, the officer may question him. Moreover, it may be necessary to question that person about some other crime for which he may be suspected. He can then be cautioned and questioned about the other crime or crimes in the ordinary manner as set out in Rule one.

The remaining Rules are quite straightforward and self-explanatory. So far as the seventh Rule is concerned, if any questions are asked during the making of a voluntary statement, it is the practice to insert in the statement any questions the police officer may have asked and the prisoner's reply.

I should say that these Rules, properly understood and applied, are not a handicap to an experienced officer and at times they can be of considerable assistance.

§23. 4--Questioning after decision to charge suspect

The most important point in the whole set is the phrase "Whenever a police officer has made up his mind to charge a person". I always emphasize to officers when talking about these Rules that no other person can determine when an officer has made up his mind. That he alone knows. If his conduct and subsequent actions indicate that when questioning a suspect his mind was not made up that such individual had committed a crime, no one can later challenge any questioning of that person, nor will it be inadmissible in court.

Again, too, I have questioned many, many people afterwards charged with crime and have obtained quite a lot of valuable material in the statement. Before I reached the point where I felt there would be no further doubt in anybody's mind, then I, too, have made up my mind to charge that person and have inserted the caution in the middle of the statement before letting him carry on with the rest of his story.

Often voluntary statements made by a person accused of murder are challenged by defending counsel in our courts. I should mention that these voluntary statements begin by having a caution written at the head. It begins:

"I have been told that I need not say anything unless I wish, etc, etc."

The prisoner is then asked to sign the written caution before

the statement is written down. I have always made it a practice when an accused has either read, or had his statement read over to him, and he has been asked to sign it, to give him a different pen to sign with. Should defending counsel ever suggest that the caution had been inserted without making it known to the prisoner and he had been asked to sign both that and the statement together, I would blandly point out the difference in the writing, and thus rebut the allegation.

Having explained this, it will be understood why my talk is going to be confined to the questioning of suspects as distinct from prisoners. But before leaving this particular aspect of our procedure I would like to say that I often wonder whether it is due to these Rules on questioning an arrested person, that we get better detective work from our officers compared to that of the continental officer. Our men have to dig and dig to get the evidence to prosecute. They cannot rely on a person making a confession.

The only other matter I would like to mention is that we never use lie detectors. Nor may we take from any person a sample of his blood, urine, head, body or pubic hairs unless with his consent. To do otherwise would lay the police officer concerned open to a charge of assault, and action for damages.

§23.5 Court test of interrogation methods

Now to return to this matter of interrogation. No police officer sets out with the object of prosecuting or persecuting innocent people. But the first thing an officer must bear in mind is, however efficient he may be in all phases of police work, the time will come when having built up a strong case of which he is the officer in charge, he will stand alone in the witness box and may be attacked on his method of interrogation. If he will always keep in mind when interrogating a person that he is above all seeking the truth, having got it by proper methods, both his conduct and the statement he has obtained will stand any test.

If any officer is ever asked, "Why did you interrogate this man?" his reply should always be, "I was searching for the truth of the matter under investigation," NOT "To see if he had committed an offence."

§23.6 Importance of keeping calm

The police officer himself must always keep calm, cool and detached. He must have patience and be prepared to take time over the interview. He should never lose his temper if a suspect gives an answer to a question which he knows is untrue. If he allows passion to overcome his judgment, or his temper to get the better of him, he loses control of an interrogation. He might just as well abandon it. Not only is he likely to be unsuccessful, but he will find his reputation will precede him in whatever direction his enquiries may take him. One danger is a desire at all costs to be successful. This is likely to cause him to err in his treatment of the accused or suspected person.

Bullying, threatening or over-bearing tactics do not, as a rule, pay dividends. Much more success is likely to be derived from the friendly or dispassionate approach to let a suspect feel that the officer is only doing his job. Careful and scrupulous questioning may produce from him the fact or facts of the crime, unknown to you or anyone else, which are later proved to be true.

The most successful interrogators are those with the gift of psychological instinct of being able to feel and sense whether the suspect, whatever type of character he may be, is telling the truth or not.

§23.7 Adapting to particular subject

He should have that other instinct which will tell him whether the person he is questioning should be played up to, "ruffled" or appealed to, or one who should be firmly dealt with. No two persons respond in exactly the same way to the same treatment. One will react to kindness and courtesy, another will need the judicious exercise of authority, and still others can be won over by an appeal to their sense of the fitness of things. Each must be treated as one finds him.

Tact, too, plays a great part. A tactless investigator may intimidate a person, who could be worked up to talking, to "freeze up," instead. He will excite and upset an already excited person until nothing coherent can be obtained from him. He is likely to give encouragement when

he should be firm, or confuse a person who should be guided or helped. The art of distinguishing the right moment or the right person to "squash" or "encourage" will only come with long and continued practice. It is something a police officer either has, or has not. If he has not got it, then he might as well give up all idea of becoming an investigator.

Just as a good doctor develops a bedside manner to suit his patients, so must a good investigator, with a sound knowledge of man and human nature, develop a manner to suit the particular type of person he is questioning.

The success of an investigating officer is governed by, first, the skill he develops in gaining the confidence of the many and varied types of individuals he will be called upon to interview during his career and, second, the ability to ask the right questions to ensure truthful answers. Such skill and ability are acquired only with experience.

Experience will tell an officer the type of questions to put, how to put them, and how to develop them as he goes along. One thing will lead to another until he is able to bring out all he requires to enable him to make a complete and true picture.

§23.8 Determining the suspect's mental processes

A suspect, while being interviewed, is a challenge to the mind of the investigator who, though he may not realize it, views the crime against a background of normal behavior. The investigator notes abnormalities and weighs them against the subject's mental processes as these are gradually unfolded during an interview. In other words, the interrogation should determine whether the subject's thoughts are compatible with those which, according to the motive, must have been in the mind of the author of the crime. When the motive is unknown, if the investigator can get close enough to a suspect's mind, he may be able to discern its reaction to a set of known circumstances and conclude from it, with reasonable certainty, what that motive is. Some people are more adept than others at sensing" what goes on in another's mind. Ability of this sort varies greatly among individuals.

Having thus armed himself, the investigator frames his questions so as to reap the most from the

suspect's mood. Methodically he exploits the mental processes which must have activated the criminal before, during and after the offence, with the result that the latter believes his guilt has been exposed. If he doesn't realize that the investigator's deductions alone are valueless as evidence, he may disclose some details of the crime in an attempt to justify its commission.

No hard-and-fast rules can be laid down on this subject. But the surest and simplest way to become skillful as an interrogator is through self-study. Certain strong individual traits of character should be recognized and overcome. Ask yourself, "How many of my interviews have failed because I wondered what the suspect or witness thought of me?" or, "Have I ever tried to impress someone during an interview or allowed my mind to wander into uncertainty?" or, "How many times has sarcasm or listlessness in my voice ruined an interview?" The answers may cost you a certain amount of self-esteem.

§23.9 Setting for the interrogation

The next questions are by whom, when, where and in what circumstances a suspect should be interrogated. It should be the officer in charge of the case, and it is entirely a matter for him to decide and for his judgment. The criterion may be said to be when it is most convenient and advantageous to the officer and, if possible, where and when the subject is at a disadvantage.

So far as the place is concerned, I feel the most suitable place is in a police building. Counsel for the defence often raises the point when an interrogation has taken place within a police building, that the man has been arrested and taken there. My answer to this is that a police station is not only the place where prisoners are detained, but it is also for the conduct of police business in general. I see no reason why, if a man is taken to a police station to be interrogated, it should be said that he is under detention.

So far as the room is concerned, it should be strictly an official-looking place. Arrangements should be made to avoid being interrupted while the interrogation is going on. If there is a telephone in the room it is advisable to make arrangements that no calls should be put through,

otherwise it inevitably happens that when the officer is at the point of getting something from the suspect, the telephone will ring and give the person being interrogated a few moments to reflect. Thus the opportunity is lost. Don't allow other officers to walk in and out while an interrogation is going on.

§23. 10--Sex offenders

It will be seen that I emphasize the problem of privacy and this particularly applies when interviewing sex offenders. Sex affects statements a great deal. A man will naturally record a masculine matter better than a woman, and likewise a woman on matters of feminine interest. But do beware of excitable women when dealing with cases involving sexual matters. So far as we are concerned, when a woman is suspected of committing an offence and interrogation is necessary, the investigating officer should never interrogate her by himself. He should always be accompanied by a colleague, or a woman officer, and thus obviate any subsequent suggestion that he behaved in anything but a proper manner during the interview. A woman with criminal instincts is always to be regarded as dangerous. It lies within her ability to make the most outrageous allegations against an interrogating officer. If he was in fact alone with the woman for a lengthy time (however correct his conduct might have been) he can merely deny the allegation, thus matching his word against hers — and "mud can stick."

It is quite a different matter when a lady has to be interviewed regarding an offence to her detriment. In such cases it is unnecessary for two officers to be present.

A suspect should be placed in a position which is calculated to give him a sense of inferiority vis-a-vis yourself. This is a psychological point and very important. If you can place him in a chair which is lower than yours so that you look down upon him, it is to the officer's advantage. Another important point, so far as the subject's position is concerned, is to have the light fully upon him. I don't mean a glaring blaze of electric light, but ensure that he is in such a position that his face can be seen quite clearly. If the officer is in shadow, so much the better.

Do not have laying about on the desk anything that an accused may pick up and use as a weapon. Rulers and heavy marble ink-pots are out of place on a police officer's desk during an investigation.

§23. 11--Two officers present

Another thing which we practise is that an interrogation is conducted with only two officers present—the officer in charge of the case and a second officer to write down what a suspect says. The interrogation should be reduced to writing in the form of a statement which, when finished, the suspect should be allowed to read over and invited to sign.

When interrogating a suspect, I have always given strict instructions to the officer with me, never to interrupt or ask questions but to leave the conduct of the interview to me. At the same time I tell him that as the onlooker he should notice things and be able to elaborate upon questions I have asked. He should bring these up when I have finished.

§23. 12--Presence of attorneys and shorthand experts

Some suspects decline to see police officers other than in the presence of their solicitors. This should not interfere with the course of justice; the interview must take place.

Most solicitors are perfectly decent individuals, and it is helpful to remember that every one of them has sworn on oath before the Supreme Court of Judicature that he "undertakes in every case to uncover the truth." Some, however, can be obstructive and will not assist the police in any way. In such cases the officer should:

1. Have a colleague with him.
2. Prepare a list of the principal questions with spaces for the answers; however it is impossible to make a full list.
3. Watch for the concealed shorthand typist taking a note of the conversation.

4. Speak quietly. Someone may be listening on the other side of the door.

Cases under 3 have been known. A great play is subsequently made in court of the officer's ability to remember accurately the accused's reply, but to be a little hazy on the actual words of the question. The concealed shorthand writer is called as a witness. Some of the "interview" questions do not sound at all well when repeated in the cold and impartial atmosphere of a court. There is no significance in this other than an attempt to shake the credibility of the police witness and to draw a red herring over the facts in issue.

§23. 13 Pre-interrogation investigation

Now to the interrogation. As I have said, in a serious case where one feels one has an important suspect it should be the officer in charge of the case. He knows all the circumstances of the case, has a clear picture in his head of the place concerned, and has his notes upon the direction in which the enquiry is going. Before beginning the examination of any suspect, the officer must, if possible, have the fullest information about that person's antecedent history, particularly if he has any criminal record, what his criminal activities have been, his methods, and so on. He should give some study to this. Forewarned is forearmed. The more pre-knowledge the investigator has before he commences an interrogation of a suspect, the more likely—if that person is the offender—is he to be successful in his interrogation. Sometimes, of course, prior preparation is not always possible, in which case he will have to sum up the suspect at first sight. He ought to be able to tell whether he is a tough or a weakling; an argumentative type of person or a 'no' man who will deny everything; whether he is impulsive or indifferent; an intellect or an ignoramus; an indolent or an alert man. To have this gift of mental divination is only achieved after long years of study and experience.

The interrogator will, in all probability, have to deal with one of the following types of cases:

- (a) where there are plenty of clues and proofs to show the guilt of the prisoner,
- (b) where there are several clues, and
- (c) where the clues are insufficient.

The interrogation will vary according to which of these three types is under consideration.

§ 23.14 Object of interrogation

Know what you are going after. Know all the angles to the problem. Work them out before you start to interview people. You may want to write out your questions; by all means do so. But do not let the other fellow put you out by interrupting your questions. Do not arrange those questions so as to enable him to get the hang of them before they are put. If you do he will beat you to it.

The appraisement of a suspect is very important in establishing whether or not you have got the right man. For example, an initial period of silence at the beginning by the officer, is often accepted by a guilty man without protest, whereas an innocent party will be provoked into showing some resentment. But, of course, it must not be overlooked that in some cases this latter reaction will be adopted to hood-wink the officer.

Do bear in mind that just as there are no two crimes alike, there are no two criminals who can be treated in just the same manner. The simple reason is that there is no single cause for crime and there are no two criminals who have been caused to act by identical mental mechanism.

§23.15 Old offender

If you have an old offender — resistance. First offence — little resistance but mistrust. The guilty person — replies are slow and uttered after the necessary delay for reflection, often hesitates, comes back to his first answers and often corrects them; sometimes gives exaggerated violent denials. An innocent person has mistrust but no resistance. He hastens to give spontaneously all the information asked. He supplies an excess of details, even concerning

points which have no connection with the act committed, for he fears he is not explicit enough in his statements. This is so often characteristic in the innocent. When the investigator comes to the circumstances of the act, the innocent person protests and becomes indignant; the effect of resistance appears.

Old offenders, having had experience of interrogations and having prepared statements in view of an eventual arrest, are more at ease. They quickly take advantage of the first stages of the interrogation in order to measure the technical and tactical capabilities of the interrogator. People with weak characters seem more anxious and adopt a passive attitude, letting things take their course.

§23. 16 Alibis

The guilty man has often prepared an alibi and often will have friends with whom he has arranged this alibi. There is even at times the man who goes out to draw attention to himself immediately after the crime, by creating incidents to which he will refer knowing full well the other person concerned will confirm what he says.

When you have a suspect who starts off by asserting a very sound alibi, such an assertion will at once be suspect. In 99 cases out of a 100 if any person is asked to give a detailed account of what he or she had done two or three days previously, he is very hazy and speculates a lot. When you have someone giving detailed movements for a day that should not be different in his ordinary life to any other day, test his memory for his movements two or three days before the day of the crime. Unless there is something outstanding that happens on a particular day no person has any keen, detailed recollection of hour to hour movements in the days as they go by. But if associated with a crime, there is an explanation for remembering what one did, or professes to have done, on that day.

Be on your guard when a person shows a tendency to repeat questions or his answers to you, or speaks in an almost inaudible tone, or acts as if the interview has been carried on too long. Watch for any unnatural emphasis of statement, or any attitude of defence or offence, or any attempt at false humor or laughter. When you meet somebody

who unnecessarily stresses a minute accuracy of certain details, frequently expresses a desire to help you do your job, repeatedly assures you that he is telling you the truth, to swear it on oath, or is ready to swear on his mother's head to tell the truth, you can be practically certain you are dealing with a double-crosser or a liar because those things do not ring true. Then there is the seemingly good-natured fellow who laughs at the fact that he is suspected and refuses to take offence. Many of these characteristics often go together. It has been my experience that when you meet them you are invariably on the right track.

§23. 17 Appraisal of character

An accurate appraisal of character if it is performed quickly is a difficult and elusive art, but close observation of actual behaviour, including posture, voice, eyes, facial expressions, will help one to form an opinion of a person's character during an interview. Remember, however, that it is only an opinion.

Watch the eyes, the character and movement of the mouth and the movements of the eyebrows. But there is little use in judging facial expressions unless you regard those expressions as an indication of something that is happening, has happened, or is about to happen within the mind of the person whom you are observing.

Think of a person's face as a study of character in action. Facial expressions of sorrow and pain you will immediately understand, but when a person tries to hide his real feelings and thoughts you, as the interviewer, must be on the alert. First, if a person is telling a lie he or she will try to look as if he is telling the truth, which means that a state of mind will be experienced by a person who is trying to make his face show something different. It is by this attempt to control his features that the liar gives himself away. His mind knows one thing and registers it and, at the same time, he tries to make his face convey something different. That sets up a conflict which one should see portrayed in a person's face.

Learn to distinguish between fear and interest because you will often meet people who are afraid of you, and what you may be able to do.

Always remember that your suspect does not know how much, or how little, you know. Therefore, do not put all your cards on the table at once.

Be very patient. Take your time over an interview and, as I have said, do not lose your temper if the suspect gives an answer which you know to be untrue. Let him tell his own story. The more he says the more likely he is to trip himself up, if he is not speaking the truth. Let him make a detailed statement of his alleged movements, if he will. It will be easier to follow in the subsequent check-up.

If the suspect is not speaking the truth then there is a very good reason for it and, most probably, it is to cover himself against the matter under enquiry.

§23. 18 Questions that pre-judge the suspect

Questions which in themselves pre-judge the prisoner should never be used. For instance, it is wrong to say, "Did you murder so and so?" "Did you embezzle?" "Did you steal?" Speak rather in a casual, detached manner, saying, "You hit the man, didn't you, and he fell down?" Many a suspect, even an old lag, who has refused to tell the truth at first will succumb occasionally to calm, patient and reasoned argument by an officer who understands the accused's mentality and the limits of his intelligence, and who makes him feel at home by talking sympathetically of his parents, his wife and children. I have found, too, that a casual manner has often put a suspect off his guard. He under-rates you and is lulled into a state of false security.

Do not argue with him; do not contradict him. Sometimes a person will give you a straightforward narrative account of his actions or an occurrence. It then remains for you to put questions to fill in the gaps. You may not, of course, always realize that there are gaps and sometimes those gaps are left deliberately. When necessary, the officer should look for the motive behind the suspect's reticence or mistakes, whether these are apparently intentional or not.

The interrogation of a suspect is often only the beginning of enquiries to be made to fasten his guilt. There is nothing magical in the way the police solve crime. It is simply the result of applied common sense, perseverance,

and exhaustive enquiries. Do not despair if the initial interrogation of a suspect does not result, there and then, in the clearing up of the crime. Satisfactory proof of his guilt or innocence may still be within your grasp. Check up, therefore, on everything he has said that might well be untrue.

If he says he has travelled on a certain bus or walked over a particular route, he would most probably have met someone he knew, if he is a local man, so up to a point his story is capable of being checked.

A few facts about remembering — TIME. Up to two minutes it is generally over-estimated. Most people reckon from five to ten minutes accurately. After ten minutes they under-estimate the duration of time. But there are exceptions to this, particularly if a person is waiting for someone who is late, or has to wait a long time in one place.

The suspect should be closely questioned about any articles that may have been taken into possession by the police and particularly about their origin. It may enable them to stand in new and unsuspected directions. But there are times when you should not press the suspect too hard about an object or document that has been taken, lest you should put him wise as to the importance of the article in the eyes of the police.

§23. 19 Use language of suspect

Remember, in taking statements from accused persons or suspects, to use the language of the person interrogated. A common error into which investigators are apt to fall is to convert a statement made by a suspect into the language of the investigating officer. This, particularly when dealing with an illiterate type of person, naturally does not "ring true" when a statement, couched in good English, with words and phraseology such as the suspect has probably never heard, let alone used, is read out as having been made by that suspect.

The interrogator should adopt the language used by the suspect himself. In dealing with an uneducated person, use simple words and sentences. Where, for instance in a sex case, the subject uses slang and common-place

words and gives evidence of his knowledge in crude language, the interrogator should resort to similar expressions.

A sympathetic approach is the most effective technique for eliciting an incriminating statement, or confession, from an offender whose offence is producing in him a feeling of remorse. Typical subjects are persons who have committed crimes in the heat of passion, anger, or revenge; first offenders in many other types of cases; and accidental offenders.

It is important that the maximum number of facts which could have been known to the prisoner alone be included, in case, later on, the latter should go back on his statement or declare that the material parts of the statement were suggested to him by the police. In any case, get as many details as possible. It helps to distinguish the truth of facts from lies.

It is a good plan to attach to the statement a small sketch or diagram. It is all the more convincing if drawn by the accused or agreed by him and the accused himself marks the positions of articles and person at the time of the crime and after it. Sketches and diagrams are not sufficiently used in my opinion, for even if they are quite rudimentary they may prove very useful indeed.

§23.20 Examination of body and clothing

Physical marks on a suspect or marks on his clothing which may have some connection with the crime must not be overlooked. At the end of the interrogation, if thought necessary, invite him to undergo medical examination, giving blood samples and fingernail scrapings in cases such as murder or rape.

§23.21 Reasons for confessions

Some people confess from a sense of pride in their act, or from vanity to show the police they are real 'toughs', or to make an impression upon their associates. The talkative person is the easiest to induce to confess. All that is necessary in such cases is to be patient and let them go on talking. They will eventually admit their guilt. Then there is the occasional offender who, having committed a crime,

is assailed by a feeling of guilt which increases with the passing of the days. That type often welcomes a rest with a feeling of relief. When confronted with the interrogator he bursts into tears and confesses.

There are, of course, persons of the weak-willed type who purposely choose to make a confession for reasons of their own. In such a case it is good to find out the reasons for the admission.

The most usual means of obtaining a confession from a guilty person is to let him trap himself in a net of lies. Generally, the person who is guilty will build up an edifice which, as the interrogation proceeds, becomes more and more shaky. Nothing is more difficult than to lie consistently, even for those who have worked out a scheme in advance. The guilty suspect must improvise as he goes along, for he soon feels that his questioner knows far more than he suspected. To modify or think out another scheme on the spur of the moment, especially on a shifting foundation, is not a thing that many are capable of doing. All that need be done is to note explanations and when they have been made, show the prisoner the discrepancies, comparing them with either others made by himself, those made by witnesses, or facts established by clues.

§23.22 Proof substantiating the confession

Confession is not an end in itself. It only means something when the investigator has thoroughly checked and re-checked the evidence. All statements and a confession should leave nothing in doubt. They should find their proper place in the complete story of what happened before, during and after the crime. In other words, the confession should be supplemented by proof that it is in conformity with reality. This reality can be composed of the following:

WHO?
WHAT?
WHERE?
WITH WHOSE HELP?
WHY?
HOW?
WHEN?

OR:

- (1) The time preceding the act (preparation)
- (2) The time occupied by the act (performance)
- (3) The time immediately following it (post-performance behaviour).

If a suspect describes where he had left a body or hidden stolen property or a weapon, it is of evidential value that he takes the officer to where it is.

§23.23 Protecting the statement's validity

Where an officer has two or more suspects, concerned together, he is "sitting pretty", as we say. What we do is to decide which of them is the weakest character, and work on him. If he breaks down and confesses, incriminating the others, then we serve upon them copies of the statement made. Often if the weak one has been encouraged to put all the responsibility and blame on the others, they – moved by his treachery and perhaps lies – come out with their accounts.

Experience has indicated that a large percentage of confessed criminals subsequently deny their guilt, alleging either that no confession was ever made, that it was made under duress, or that it was obtained by other unlawful means. It is of the utmost importance, therefore, that the confession be reduced to writing and signed at the earliest possible moment. Do not leave it until the following day. In the preparation of a written confession, no attempt should be made to improve the language used by the subject himself. As I have already said, it should represent his confession as he makes it. Unless it does, a judge or jury may be reluctant to believe that a defendant whose education may have ended in a country elementary school, spoke the language of the college graduate.

Avoid leading questions. It is a good practice to purposely make a mistake or two on each page. Later, when the suspect is reading the document, corrections have to be made. These should be in his own handwriting, accompanied

by his initials or signature in the margin alongside the correction. When confronted at his trial with a confession bearing corrections of this nature, it will be rather difficult for him to deny that he read the document before signing it.

At the end of the statement we make a practice of recording: "I have read this statement and it is true" written in his own handwriting, and then his signature.

Keep notes regarding the conditions and circumstances under which a statement is made, and the times of the interrogation.

§23.24 Corroboration of statements

A suspect's statement should always be checked at once to make sure it is correct both in principle and detail to determine the truth or otherwise. This particularly applies to confessions. They are worth little or nothing without corroboration. Independent evidence of a true confession helps to make it a valid and admissible document. Confessions are often retracted and usually attacked by defending advocates, but if there is corroboration from the mouths of independent witnesses it may not matter very much if it is rejected by a court. It often pays to let a suspect tell his own story. In any case, if he is lying it may be as well not to disillusion him. This may strengthen your hand at a later stage or at his subsequent trial. Get as full a statement as possible. Do not limit it to what seems evidentially relevant.

The investigating officer who considers his job is done when he obtains a confession is seriously lacking in the knowledge of the requirements of his profession. Care must be exercised in the manner in which he obtains a statement or confession, otherwise the circumstances of the taking of the confession may be of such a nature that not only has his effort been wasted, but he has done irreparable damage as well.

False confessions are often made in cases of notoriety and are sometimes very difficult to break down. In these cases if the person confessing is interrogated by the officer who has an intimate knowledge of the facts, he is able to break down the confession with ease.

§23.25 Conclusion

Interrogation is a subject on which one can never say he has reached the limit in experience. It is a fascinating subject — handling human mental processes. It is impossible to lay down any code of rules which will cover all the circumstances likely to arise, or which could apply to all the various types of persons one is likely to meet.

Volumes must have been written on the subject, and no doubt, countless more will be written. But whatever one may read, for the police officer it will be experience, time, practice, listening to other officers' experiences, together with his own make-up, that will bring him to success, or otherwise, in this branch of his work.

Interrogation is a cultivated art. It cannot be taught, neither can it be learned from books.

Chapter 24
Practical Police Interrogation
by
David E. Kerr

Section

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§24. 1 Introduction

Interviews and interrogations are far more important in criminal investigations than most of us realize. Practically with every contact a policeman makes he will get into the field of interviewing or interrogation.

We cannot minimize the value of a careful search for, recognition of, and proper handling and court presentation of scientific evidence. There is probably only one situation in all this scientific field wherein an arrest could be made and sustained solely on scientific evidence. This one instance would be that of a properly identified latent fingerprint.

Normally arrests and successful prosecutions are made through interviews and interrogations. Through these interviews we acquire a suspect, and through other

interviews and pretexts, we locate him. An admission must be obtained from the suspect to bolster fragmentary evidence. This is done through skilled interrogation.

We take his carefully prepared story apart.

We break down his alibi.

We trap him into a position from which he sees no way out.

He talks.

Our penitentiaries are filled with men who are receiving post-graduate courses in crime. They are constantly trying to perfect new ways to "beat the law." They are coached not to talk. They are cautioned about fingerprints and footprints and the new marvels of the criminal laboratories. Still they make blunders.

§24.2 The citizen's point of view

Questioning anyone involves the matter of an appropriate approach. It is well for us to keep the citizen's point of view in mind.

The reformers think we have too little power.

The general mass of people think we have too much.

The industrialists are inclined to think we side with labor.

Labor thinks we are the mailed fist of capitalism.

Unless we can remember the citizen's point of view, we cannot hope to be any more than routine askers of questions, without much hope of making headway in interrogation.

When questioning people, it is well to remember that everyone has something on his conscience. It is unwise to jump to conclusions just because a suspect is nervous. If he is guilty, often he may try harder to convince you of his innocence.

The suspect's story may be too pat. He may be trying to find out how much you know. He may be too cagey.

He is apt to demand the right to telephone. He will probably want to consult an attorney.

If a suspect is innocent, you will generally find that his story is natural. He makes mistakes which are natural mistakes. As soon as he knows something of the case, he relaxes. He may become impatient. Usually he will not take a demanding attitude. Facts of the case will not impress him, nor cause him to change his story.

§24.3 Importance of prompt interrogation

It is extremely important to good interrogation to be able to determine successfully when the interrogation should be started, or when it may be delayed.

The following illustration regarding prompt interrogation, commonly referred to as "hot cases," will serve to indicate that no particular skill in interrogation is required when a criminal's defenses are down:

A radio police car gets a report that some shots were fired and a woman had screamed at a certain address. The car is there in a matter of seconds. A man is observed running away from the scene. He is picked up and taken along. He babbles: "I didn't do it."

At the house, a murdered woman is found. There is no one else in the house. There is blood on the suspect's hands and clothing.

Sharp questions are shot at the suspect in the vicinity of the murdered woman.

"Where is the gun?"

"Show us how you did it."

The man is "hot." He talks. He has no ready-made story. His defenses are down so that interrogation is no problem here.

Suppose the officers who take him into custody fail to take any statements. They wait for pictures to be taken of the body and go about preparing diagrams of the scene and so on. An hour or so later, at the station, the interrogation is started. By that time the man has "cooled" somewhat and now his defenses are up.

He may have a story now. For example: He heard the shots and saw a dark thin man run out of the house. Out of curiosity he went in and saw the victim on the floor. He tried to move her into a more comfortable position, and that's how he got the blood on his hands and clothing.

His story can be broken, but it will take a much longer time. The officers have failed to take advantage of him at the time he was "hot."

Of course, this is a weak story, but I know from actual experience just how much trouble these weak stories can cause, and how much effort and time it takes to break them down.

§24.4--Accept damaging statements

In "hot cases," damaging statements should be accepted at once. This does not mean written statements necessarily, but an alertness on the part of the arresting officers to accept and encourage verbal admissions.

Investigators are quick to recognize the advantages and easy successes obtained in "hot cases," and there is often a tendency for them to rely exclusively on such methods. When confronted by a "cold suspect," who has had hours, or days, to build his alibi, many investigators attempt to use "hot" methods. They attempt to get the suspect on the run. They try to bully him and immediately rush him into a trap.

Generally, this method does not work. The suspect's defenses are up and his story is ready. He is prepared to resist.

§24.5 The third degree

The investigator cannot understand why a technique is not working. So there is a tendency toward violence — toward third degree. What is third degree? This author was once told that third degree is a trick phrase coined by defense attorneys, of something that never happened in a first-class police department, for the sole purpose of misleading and confusing the jury, and resulting in the guilty party being set free.

Actually, third degree is nothing more than torture. If it is physical torture, it may consist of beatings; of long grillings by relays of interrogators under blinding lights; of locking the prisoner in a cell without food or water for long periods; or placing him in a cell where mosquitoes feed on him. The suspect, when taken into court, may have "fallen down the jail stairs, or tried to escape," as an explanation for his battered condition.

Mental torture includes placing the body of the victim outside the suspect's cell and refusing to let the suspect's sick wife know where he is until he talks. There are no limits to the variations.

§24.6--Faults of the third degree

The third degree is not only vicious, but useless, and it should never be used. First, it does not produce the truth. Under sufficient torture, a man will tell you anything you want him to tell you. If a case is built on this "confession" you may find in court that the man could not possibly have committed the crime. Second, evidence so obtained is not admissible in court, and defense attorneys are quick to develop the facts surrounding the securing of the statement. Lastly, public confidence is shattered if knowledge of such methods is publicized.

One final handicap might be mentioned before leaving the subject of third degree and that is the position which it places the investigators in. Third degree cannot be used on influential citizens. Often such citizens become suspected in important crimes. If the investigator has built his entire technique on bullying known criminals, he is likely to be at a total loss when attempting to handle a well-educated, clever and unscrupulous citizen who cannot be subjected to torture.

§24.7 Knowledge of case and suspect

Before an interrogator can start on a "cold" suspect, in order to achieve any certainty of success he must have all the knowledge he can get about two things (1) the suspect and (2) the case. Information about the suspect may be obtained through police files, from other officers, pawn

tickets, letters, notebooks, and a search of the suspect's person. This information should be studied before any attempt is made at interrogating the suspect.

The second must is knowledge of the case itself. There is generally only one person in the world who has full knowledge of the crime, and that is the one who committed it. If the interrogator bases his questions upon faulty information, or attempts to bluff and gets caught, he is almost certain to fail.

§24.8 Selection of place of interrogation

Of great importance to insure successful interrogation is the selection of the place where the questioning is to be conducted. An officer, interrogating on his home grounds, has everything in his favor. First of all, it gives him confidence since he is on familiar ground. He can plan the seating, lighting and other considerations to his own advantage. Secondly, it puts the suspect at a decided disadvantage. Regardless of whether he was brought to the station, or came in response to an "invitation," the suspect has already yielded. The investigator has technically taken command.

The ideal interrogation room should have a door and four bare walls. There should be no windows and no ornaments on the walls to distract the suspect's attention.

It should be a sound-proof room so that exterior noises will not furnish distractions, and the walls should be acoustically treated, with a microphone installed in order that sound recordings can be made, or so that a stenographer can take notes from an adjacent room. The light source should be arranged to light the subject fully and not the officer.

The subject should have a plain chair, placed out in the open so that the nervous movements of his hands and feet can be observed. He should not have a desk or table to hide behind. The subject should be seated with his back to the door, so that if it is necessary for people to enter or leave the room, they will distract him as little as possible.

§24.9 Presence of witnesses

Seats should be available behind the suspect, if it is necessary to have witnesses present. Many times, in interesting cases, brother investigators, commanding officers, or even commissioners or coroners, may want to sit in on an interrogation. Though there are exceptions, as a general rule this practice should be discouraged from top to bottom in the organization.

To be sure, there is the vain and cocky suspect who likes to brag before a large audience. So with fellows like him, it is a definite advantage to have witnesses. Generally, however, if we put ourselves in the suspect's place, and if we were guilty of some crime, the smaller and more confidential our audience, the more likelihood there would be of our talking.

Some police officers are under the impression that there must be witnesses to the entire interrogation. This is not the case. Generally, the interrogation can be conducted in complete privacy, the written admission typed up, and witnesses can then be called in to hear the admission read to the suspect.

§24.10 Stenographic record of proceedings

In cases where a stenographic record is to be made, arrangements as to procedure should be made in advance. When the stenographer quietly enters the room, takes a seat and goes to work, the suspect is inclined to believe that this is a routine procedure in the department. However, if the stenographer comes in, and immediately starts asking questions, such as — "What is the heading?" "How many copies shall I make?" "Where shall I sit?" — Then the suspect knows it is not a routine procedure and he may refuse to talk.

If there is reason to believe the suspect will balk at the sight of a stenographer, then arrangements should be made in advance so that by the use of microphones, the stenographic record can be taken elsewhere.

§24. 11 The lie detector

The lie detector has been used by the Cleveland Police Department for twelve years, and by some departments even longer. An important point to remember about this machine is that it may indicate the suspect is lying, but unless the operator can carry on from there and obtain an admission, nothing has been gained.

During this writer's twenty-two years in the detective bureau, it has been my experience that when an interrogator has any investigative ability at all, he can operate just as well, or better, without the lie detector.

The interrogator must also be admonished that the use of the lie detector tends to weaken interrogation efficiency. The interrogator is too likely to make a half-hearted attempt at interrogation and then rely upon the machine to do the job. The efficiency of the machine, however, is entirely dependent on the skill of the operator, for at best, it solves no cases by itself. If it did, there would be no further need for judges or juries to pass upon a man's guilt as the machine would do all that.

I do not mean to imply that these machines have no value. They are often useful aids in investigations. They offer many interesting possibilities. Improvements will probably continue to be made, both in the machines, and in the technique of operating them. In short, they do have a definite value under certain conditions, but they have not yet reached the point where the investigator can go completely overboard in their use.

§24. 12 Listen and do not lead suspect

Let me list some important points in successful interrogation: First, let the suspect talk. Second, do not tell him the story. How often alleged interrogators proceed to tell the suspect most of the known facts in the case, and insist upon doing most of the talking, through what they consider "clever" questions. Generally, when these officers are through, the suspect knows more about them and what they know, than the officers know about the suspect. Third, discount personal feelings. The fact that the suspect is a type you do not like does not make him guilty. Fourth, stick to the facts of the case.

§24. 13 Do not jump to conclusions

There are several other factors to a successful interrogation: Be fair with the suspect. Keep an open mind. Do not jump to conclusions. Circumstantial evidence may be strong and the suspect's story weak. However, be careful and make sure. If you have built your entire case on faulty conclusions, you will not only lose the case in court, but will be forced to start again from scratch, on cold leads, looking for the real criminal.

§24. 14 Maintain the proper attitude

It is important to recognize the suspect's interest. The officer, of course, is interested in the interrogation, but how much more interested is the suspect? He faces loss of liberty, and his whole reputation and whole future are at stake. It is an extremely momentous affair to the suspect in most cases.

The officer's attitude should recognize the seriousness of the occasion. It may be well to tell the suspect, "This is serious business. You are in a tough spot."

Generally, wise-cracking and smart remarks by the officer defeat the chances for success. Such remarks tend to strengthen the suspect and give him an opportunity for similar remarks and a similar attitude.

A criminal is generally inclined (despite anything he may say to the contrary) to respect the law enforcement agencies. Although portions of the suspect's story may invite a coarse attitude by the police officer, profanity and lewd stories should be avoided. However, there may be occasions when it is necessary for the officer to get down on the same level as the suspect.

When personalities clash and there is definite dislike, the interrogation often gets into one of those "You did — I did not — you did — I did not —" contests, with the stronger pair of lungs winning at least a temporary victory. The officer should first explain his position and put the suspect in a fairly reasonable frame of mind. By refraining from demanding, threatening, bullying or insulting, the officer can retain this advantage. A sneering, superior attitude should definitely be avoided. Many times I have heard

someone say, "It isn't what he said that made me mad, but how he said it."

The interrogator should be a realistic actor. It does not demean an officer to play a part. If he regards the interrogation as a game, as a battle of wits, with no personalities, then it cannot hurt his pride to assume a humble attitude. He can enjoy flattering the suspect and watching the flattery work. He can play dumb and watch the suspect lower his guard because he believes the officer is stupid.

When an interrogation is successfully finished, it is good police work to wind up the interview without any sign of victory, and with no attempt to ridicule or embarrass the subject. An officer who has achieved this attitude is well on the road to becoming a first-rate interrogator.

§24. 15-- Avoid anger and the defensive

The officer should avoid getting on the defensive. He is immediately placed on the defensive when he unsuccessfully tries to bluff, manifests a lack of knowledge about the case, or exhibits inattention before the suspect. The same thing happens when the suspect realizes that he has made a slip and the officer has failed to recognize it. Therefore, the officer should get the full meaning of what the suspect says. To do this, you must know all the facts in the case. Otherwise, you will not recognize slips when they are made.

It is necessary to control your temper for the angry man is easily defeated. Anger also leads into the third degree. The suspect recognizes he has the best of it when you become angry. Deliberate anger, however, as a part of strategy, is something else. It is often successfully used, particularly when two officers play respective parts of the hard-boiled and the sympathetic officer.

§24. 16 Avoid false promises

An officer should not promise anything he cannot deliver, but he should deliver everything he promises. Legitimate trickery is necessary in police business, but framing of prisoners, double-crossing, or false promises are not legitimate police business.

The purpose of good interrogation is to save time, but this means throughout the case, and not just during the interrogation. The few extra minutes required to handle an interrogation intelligently will usually be repaid many times.

Chapter 25
Interrogation of Witnesses
by
The Staff of the Law-Medicine Center

Section

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§25.1 Difficulty of hiding the truth

In many instances police must collect data from people who are not themselves accused of a crime. These people are witnesses who can give information of one kind or another that may lead to picking up data or clues that will be of value. There is a certain approach which may be used to meet the problem of the normal witness' tendency or inclination to censor what he knows. Such an approach has some effectiveness, at least under mild conditions where the witness does not have extremely severe repressions.

The psychological principle involved in this approach is that it gets harder and harder to lie, harder and harder to hold back the truth the more an individual produces

verbal memory material. Hence, the objective of the interrogator should be to promote a free flow of information from the witness, since if large masses of material are obtained, the chances are that it will be somewhat easier to pick out distortions in the story.

In almost any interview exchange between two people certain forces are likely to be operating. Considering now the situation where an examiner is interviewing the witness for the purpose of finding out something about the relationship between people who are involved in a crime, it is first necessary to focus on the pressures which are exerted on the witness when a police officer, prosecuting attorney or a lawyer begins interrogating him.

§25.2 Pressures against talking

First it is important to realize that such an interview presents a strange situation for most people. While it is true that there are people who are persistently involved in crimes in one way or another, most people will find that it is a very unusual experience to have a policeman descending on them. Consequently the witness is a little unsure as to just what it is that is wanted. The situation is strange and in a strange situation people tend to be guarded.

There is also a certain amount of fear of the examiner usually present. This fear stems from many sources. In the first place, if the examiner happens to be in uniform, almost certainly there will be a conditioned fear response evoked by the mere presence of this uniform. We have not reached that utopian state where we have learned that policemen really are our guardians and protectors, and work to help us. Many people still carry over from childhood certain views about policemen being people who are going to jump on them, put them in jail and take advantage of them. Also, there is hardly anyone who, when confronted by a policeman, does not remember something illegal that he has done at one time or another. Hence, the mere presence of the badge of authority presented by a uniform may serve to diminish somewhat the confidence of the witness.

Another fear borne by the witness is the possibility that in serving as a witness he will in some way

become personally involved. And no one cares to reveal information to his own detriment.

§25.3 Pressures encouraging talking

Despite the presence of these pressures which produce an unwillingness to talk, there are certain other pressures which will produce a willingness or desire to talk on the part of the witness. One of these is to try to get out of the situation as soon as possible — to say something and have it over with. Also, there is a certain amount of curiosity or interest as to what this case may bring about, or what this questioning is all about which causes an eager response. Another stimulus to talk is the desire to tell friends and relatives that one has been questioned in a very important case and that they have provided valuable information. This, of course, in extreme cases can lead to a kind of over-reaction where people are likely to fictionize details somewhat for the sake of dramatizing their own role.

§25.4 Pressures on the interviewer

The interviewer is also subject to certain pressures. In the first place, he enters into the interview wanting to avoid failure. He has some idea of what a successful outcome means and each witness represents a kind of block in the road. In addition to this normal pressure it is quite probable that in many cases the interviewer wants speedy results. He is not willing to wait too long since information is more valuable if he can obtain it and utilize it quickly.

The result of this is that there are pressures exerted upon the examiner which often make him feel somewhat aggressive toward the witness. The witness has become a creature who can either help or stand in the way of a successful prosecution of the total investigation. This may lead the examiner, without his realizing it, to show some tendency to let the other person know just "who is really the boss" in this situation. Many people, when they are blocked or frustrated, want to throw their weight around. In an interview situation this is a fatal mistake, just as it is in psychotherapeutic work.

§25.5 Importance of apparently irrelevant material

The net effect of these pressures is to build up a situation where the examiner is pushing for information and the witness is pulling away. The witness seems to respond only when he is gaining control, only when he is able to build up a grand and glorious picture of what really happened. This may cause the examiner to become impatient and want to brush aside a lot of so-called irrelevant material. Psychiatrists and psychologists have learned that what they first thought to be irrelevant material was by no means irrelevant. All material that is produced by an individual in an interview situation is produced for some purpose. There is a reason behind it, even though what this reason is cannot always be discussed. This reason is probably related to the personality, attitudes, motives, ambitions and desires of the witness. It may be, for example, that he is talking about something which is irrelevant in order to impress the interviewer with his brilliance, with his genius, with the fact that he is a person of high intelligence. The interviewer's awareness of such a reason may be useful in that it may suggest what kind of approach can best be utilized with this particular witness to promote a free flow of information.

§25.6 Resentment in the witness

Another effect that this aggressiveness on the part of the examiner might have is that it could build up resentment, even in cooperative witnesses. If an examiner who wants to show who is boss starts throwing his weight around, even so-called "good citizens" are likely to feel put upon and are likely to withhold information which they think is relatively unimportant simply because they want to be rid of the examiner as quickly as possible.

§25.7 Voluntary fringe information

There is a certain area of fringe information which the examiner may fail to reveal because he does not ask for it and because the witness may not volunteer it since he evaluates it as relatively unimportant. There may be many

clues in this fringe information. Consequently, the examiner should try to produce in the witness a flow of speech which will, if possible, bring out this fringe detail. A certain amount of so-called irrelevant material is also likely to result. There should be more talk in most cases, rather than less. The more information of all kinds which is obtained from a witness, the greater are the chances of discovering inconsistencies, gaps, distortions and fringe facts in his story. One of the simplest ways to promote a free flow of talk is merely to listen to the witness carefully and considerately. Careful, considerate listening is rather rare in our highly verbal culture, where everybody wants to get in on the act, and it has been found in a half-century of work in psychology and psychiatry that careful, considerate listening actually produces a response in people that makes them feel rewarded for talking.

§25.8 Criticism, sarcasm and punishing acts

Conversely, an examiner should refrain from criticism, sarcasm and other kinds of punishing acts during the interview. Even such a simple thing as correcting the way in which a witness pronounces a word or correcting his grammar may make him not want to cooperate, at least in the fringe area of evidence. If somebody says something that is obviously false, many people have a tendency to reply immediately in a sarcastic manner. This tendency should be curbed by an examiner; he should listen to what is said and wait until later to strike. If the witness has given much verbal material in which to become entangled, then when the time for confrontation with evidence comes, he will have a much more difficult time escaping from his prior story.

The examiner ought also to act in such a way that the witness understands that he is important, that he is performing a duty assisting in the administration of justice, and that he is not just somebody who was dragged in to talk and then to be gotten rid of as fast as possible. These people are potentially important, not only for what they can do in any given case, but also because they carry away an impression of the police department and the way in which an investigation is carried on. They can be extremely important in

building good public relations which can help in the investigation of other cases.

§25.9 Avoid highly specific questions

Furthermore, the examiner should avoid directing a stream of highly specific questions toward the witness. He should learn how to utilize what is known as the open-end question, such as, "Can you tell me more about that?" "What happened then?" "How did you feel about that?" The beauty of this type of question is that it does not disturb the witness' chain of thought. The story should come out freely, without the examiner's trying to direct it in one way or another. There will be plenty of time for him to attack or question it later.

Another reason for not shooting a stream of questions at a witness is that the examiner is likely to give clues as to what he thinks constitutes significant and insignificant material. If the examiner continually nods "very interesting" after certain answers and ignores others he is showing the witness exactly what kinds of things he is interested in, and the witness may omit some relevant material in an effort to avoid what he fears the examiner will think insignificant. Probably the best kind of countenance to keep is one which is generally accepting and smiling, thereby informing the witness that the examiner is interested in everything he has to say. Some of the things that the witness reveals will stand out like neon signs in the middle of a black night; others will not have any meaning at the time. But all of these revelations are packed away and mixed together for later usage.

§25.10 Advantage of open-end questions

There is another reason why shooting a stream of questions is a poor policy, at least in the early phases of interrogation and interviewing. If the examiner has a list of questions he wants to ask, he builds up an expectation in the witness that if he wants to know anything, he will ask about it, and if he does not ask, no information is expected. If, on the other hand, relatively few questions are asked and these are generally open-end questions, the witness will tend to think to himself in the following manner: "Well, he wants

me to go ahead, take the lead and tell everything I think is significant." Consequently, the casual, open-end procedure is generally best for promoting a free flow of information, and at the same time the examiner gains an opportunity to think over and assimilate the material which he is hearing.

§25.11 Aiding the witness' memory

There are several ways of aiding the witness' memory. One is to have him return occasionally to the story and retell it. There are many sincere, cooperative people who may leave substantial gaps when recalling their story; they may be able to fill in these gaps upon retelling the story. Memory functions better when there is a richer context to support it.

Memory is more likely to be poor or distorted when a person is under an emotional stress. Factors of any kind which unduly upset the functioning of the organism are likely to have such effects that the memory of the individual may not be as trustworthy as if he is kept in fairly calm circumstances.

§25.12 Removal of distractions

An important problem is how to build up an external situation which is conducive to a free flow of information. In general, a permissive atmosphere is best fostered by privacy. Whenever possible a witness should be interviewed by himself, so that the distracting effects of other people and what they may think of what he says are removed. A witness should not be interviewed while the examiner is fiddling with letters on his desk and reading over old reports. Telephones should be cut off during the interview. There should be provisions made for no interruptions so that the interview can progress until it is finished. Plenty of time should be allowed, since the ordinary person who is asked to remember things of importance is going to be a little anxious, and it takes people anywhere from fifteen minutes to a half-hour to settle down and become accustomed and familiar with the situation. Important material is not likely to be extracted early in an interview. It is more likely to come out toward the end, after there has been a familiarization

with the situation, and understanding of what is wanted, and a proper attitude fostered.

§25. 13 Importance of comfortable atmosphere

In general, comfortable surroundings create the best atmosphere for an interview. There should be reasonably comfortable chairs and an air of informality, if this is possible. This is quite the opposite of what some others recommend; they favor surroundings which are bare and very austere. Which theory is better is difficult to determine, but the theory of informality has at least as much validity as the other, in the absence of more experimental evidence. Regardless of what conditions are used the examiner should conduct the interview in a casual, friendly, and interested manner.

§25. 14 Noting sensitive areas of discussion

The interviewer has a further problem in the interpretation of the data received in the interview. This interpretation of data is of course crucial. It is helpful to the examiner if he notes what the sensitive areas of discussion are. It is not always known why these are sensitive, but it is known that there are certain indicators which show when a person is running into a little blockage. These indicators are similar in principle to the lie detector. The lie detector is not a lie detector at all; it is a detector of what might be called autonomic nervous system reactions in the body. It detects changes in blood pressure, sweating, galvanic skin response, breathing, etc. Many of these changes can be observed without specific apparatus. Some of these changes are: sudden silences following certain statements, suggesting that the witness has gone through some kind of thinking and has come across something which he is not sure he ought to share with the examiner; a blocking or evidence of confusion on the part of the witness, suggesting that the examiner has reached an area that may have some critical importance. When the conversation gets to this stage it is best to look at the sequence of topics that have gone just before. What was it the witness said just before the time he was blocked? For example, if a witness is asked

what he wants, he may say he wants an automobile, a fine home, a good job, a wonderful wife, and then he becomes blocked. Why the block is there cannot be discovered without further investigation. It might be found that his girl friend has just thrown him over and his chances of getting a wonderful wife have been lessened. There is some kind of emotional disturbance happening at that moment which produces the blocking.

§25.15 Fidgeting and licking the lips

Another sign of a sensitive area of discussion is suddenly increased fidgeting of the witness in his chair. The examiner should try to notice, if he can, the point at which the fidgeting takes place. Licking at the lips is another indication of tenseness or emotional embarrassment. The old Chinese rice story is illustrative. It has elements of the lie detection technique in it, and is fundamentally based on a sound theory. People who were suspected of a crime were given a handful of dry rice to put in their mouth and eat. If it came out moist, they were not guilty; if it came out dry, they were guilty because fear tends to dry up salivary secretion. This shows itself in frequent licking of the lips. This does not mean that everybody who licks his lips is guilty. It may be that a witness who is completely innocent is fearful from being near a police officer, or from being interrogated.

§25.16 Shift in topics

Sudden, unexpected stammering in speech is another sign of a sensitive area of discussion. Another one is a sudden shift in the flow of the topic. Usually a person's talk will progress from one topic to another in some orderly sequence. However, a topic may suddenly come up that does not seem to fit. Here again there is probably some kind of an emotional disturbance that has taken place. These are things that suggest the interviewer is hitting sensitive areas in the conversation. He should be registering all these things without reacting to them openly; wondering about them and trying to fit them into the various bits of information he has about the case.

§25. 17 Cross-checking

The crucial point is cross-checking. The examiner here has a very serious problem, and it takes some skill to meet it. He has to retain a very substantial amount of information. He must remember what the witness said when the interview began about a certain topic, what was said a half-hour later, what was said still another half-hour later, then ask himself how these things fit together. Hence, it may be necessary to take some notes even if the interview is being recorded. Such notes may help in correlating different parts of the conversation.

As noted previously, the examiner should not point out obvious inconsistencies or peculiarities in the witness' story immediately. But there is a time when he should come back to these things, and that time is along toward the end of the interview, in order to get certain items "straightened out." It may be necessary to jot down these items from time to time.

§25. 18 Time for specific inquiries

In general, specific inquiries should be saved until the end of the interview. If the examiner asks all his questions before giving the witness a chance to talk on his own, he is likely to find that he has the answers to all the questions, but that there were many he did not think to ask. He could have obtained the answers to these questions if he had only been a little bit more patient and let the witness tell all he knew, even though much irrelevant material might be included.

Chapter 26
The Strange Death of Selma Arvel
A Problem in Investigation
for Law Enforcement Officers
by
Erle Stanley Gardner
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Section

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|--------|---|
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§ 26. 1 **Instructions**

This problem has three parts:

1. The story of the strange death of Selma Arvel with photographs. Study this material first. Determine what steps you would take to collect additional facts. Then proceed to the next part.
2. The steps toward solution. Compare your plan for acquiring additional facts with those outlined here. Then write your solution of this case.
3. The solution. Consider your solution with the author's solution. Criticize your methods, identify

your weaknesses, plan to strengthen your investigative capacities.

§26.2 The story of the strange death of Selma Arvel

The strange death of Selma Arvel is intended to furnish the reader with an example of the responsibilities of the trained investigator. The reader should refer to the pictures included in this story for a more lucid understanding of the facts.

George Arvel is an oil lease speculator, a man with a chain lightning mind, a magnetic personality, and a way with women. He is living in Riverside, California. During the past fifteen years, Riverside has enjoyed a steady growth. As a result rented houses are scarce. A constantly expanding business district continually encroaches upon the older houses.

George Arvel and his wife were finally able to rent one of those older houses on the borderline of the new business district. It was not the house that George wanted but it was all that was available on short notice and George did everything on short notice. George Arvel's business kept him on the road traveling to the oil fields of Oklahoma, Texas, Wyoming. Selma remained at home. Lately she fancied she could detect a certain cooling on the part of her husband. As a result she became both jealous and suspicious. Let's drop in on the Arvels for a moment:

§26.3--George prepares to depart

(DIALOGUE)

S: What have you got there?

G: A ticket to Oklahoma.

S: On the train?

G: Uh-huh.

S: Why don't you go by plane anymore?

G: On account of my sinuses. The change in elevation makes my ears hurt.

S: It's not your sinuses. It's your Eustachian tubes.

G: All right, honey, whatever it is.

S: What train are you taking?

G: The 2:20.

S: When you used to travel by plane I wasn't alone so much.

G: Of course travel by train means more time on the road, but it's a lot more comfortable. I can rest on the train.

S: Is that the only reason?

G: I told you the reason -- my ears.

S: You and your ears. You and your excuses. You never want to be around me anymore. You're always getting on a train -- Oklahoma, Wyoming, Texas. And how about that postcard from Texas in a girl's handwriting. You never did tell me. You said she was a stenographer who wanted to get a job out there. But how do I know ----

Selma didn't like Miss Murphy, George's secretary, an attractive blonde who looked well in a tight sweater and knew it. Selma, packing George's bag while he was dictating some last minute correspondence, strained her ears listening:

(DIALOGUE)

G: --cash together with the usual arrangements. Paragraph. I'll be in Muskogee shortly after you receive this letter and give you a ring. Very truly yours. I won't have an opportunity to sign that, Miss Murphy. If you will just sign my name to it and mail it. Be sure it goes out in the mail tonight.

M: I'll take it to the post office myself, Mr. Arvel.

G: Thank you, you're a good girl. It's a pleasure to work with you.

- M: It's a pleasure to do things for you, Mr. Arvel.
- G: You're not only very competent, Miss Murphy, but you ---
- S: George, do you want to take these shirts with the French cuffs?
- G: It doesn't make any difference, Selma. Only enough white shirts to wear on the train. After I get out on the oil fields I'll be wearing sport shirts. It's going to be hot out there.
- S: George, what in the world did you do with all your socks? I can't find ---
- G: Go buy more socks. I'm trying to get off a letter on a ten-thousand-dollar oil deal and you interrupt me to ask me about five dollars worth of socks.
- S: Well you didn't sound so terrible busy to me. Never mind, I'll just pack your stuff and I hope I get it right. So don't blame me if ---
- G: Now, Miss Murphy, if you'll take a telegram, please. I want to send it tonight as a night letter.

§ 26.4--Selma hires a detective

Selma, worried, jealous, and suspicious, decided to take steps to find out exactly what George did on these business trips of his, and so we now hear her on the telephone:

(DIALOGUE)

- S: Hello, Allstar Detective Agency? This is Mrs. George Arvel. A-R-V-E-L. No, never mind the address. I'll give that to you later. I've only got a minute to talk. I want you to furnish a woman operator -- a good-looking woman who knows her way around. My husband's leaving on the 2:20 train for Oklahoma. If you have this woman at the depot all ready to go I'll slip her an envelope containing enough money for her expenses and instructions as to just what she is to

do. Just Mrs. George Arvel. Yes, the 2:20. I'm thirty, five feet six, and wearing a maroon dress with a short white coat, no hat. I hear my husband coming now. Goodbye.

And so at the depot shortly before the 2:20 arrived, Selma had met the detective and handed her an envelope containing written instructions and expense money. George, unmindful of what was happening, was anxiously awaiting the train. Selma's suspicions were well-founded. While on a trip, George had met Helen Baird, a young divorcee. A casual acquaintance had ripened into an intimacy and almost before George knew it he was leading a double life. By telling his wife that airplane travel made him uncomfortable, George was able to take the train at Riverside, disembark a few minutes later at San Bernadino, then take a train to Oceanside via Los Angeles. In Oceanside Helen Baird had a cute beach cottage, and to the neighbors, George Arvel was known as George Baird, Helen's husband, a traveling executive. Because George was supposed to be traveling on a train to the eastern oil fields, he could spend a day or two with Helen at the beach and then Helen would drive him to San Diego. From there he would catch a night plane to his destination, from which he would call Selma. Let's listen in on a typical conversation:

(DIALOGUE)

O: Hello.

S: Yes!

O: I have a direct call for anyone from George Arvel from Muskogee, Oklahoma. Will you accept the charges?

S: Yes, yes.

G: Hello, Selma. How's everything?

S: All right; why didn't you call me yesterday?

G: Didn't get in, honey. Train travel takes time and then I was pretty busy after I arrived, trying to sign up a lease. How are you feeling?

- S: Lonesome.
- G: Why don't you take the station wagon and take a trip, honey? Go up and see your brother in Oakland.
- S: I don't want to see my brother. I want to see you.
- G: I've explained, honey. You have to work fast in this oil business. You have to get out with the boys and buy a few drinks. A woman's just a dead weight.
- S: You didn't used to think I was a dead weight.
- G: In those days (cough) --- You weren't then.
- S: What's that?
- G: I said times have changed, honey.
- S: What's changed?
- G: Business. The conditions under which we have to work. Well here's the party on the oil lease deal. Hi Jim! How are you? Well, good-bye, honey. I'll be calling you.
- S: Where are you staying, George? Where are you ---
- O: Your party's hung up, madam.

§26. 5--Helen Baird, the other woman

Selma, as George's wife, was tortured by jealousy and filled with suspicion. Helen Baird, who had been married to a wealthy manufacturer for two profitable years, was utterly carefree. When Helen's marriage broke up she had received a cash settlement and monthly alimony which would terminate in the event of her remarriage. Therefore, she wasn't in any hurry to marry again. She had taken her married name of Baird, moved into her beach house where she slept mornings and spent the afternoons loafing on the sun-deck in an abbreviated bathing suit. She had no worries, no cares, and no inhibitions. At one time on the sundeck, George had sought to clarify their relationship:

(DIALOGUE)

G: Aren't you going to ask me about Selma, Helen?

H: Why should I?

G: Well, aren't you interested?

H: No.

G: Aren't you jealous?

H: I'm never jealous.

G: Probably because you're so sure of yourself.
Don't you love me?

H: Uh-huh.

G: Don't you want me to get a divorce?

H: Oh, not particularly.

G: Don't you want to get married?

H: I think we're doing all right now.

G: All my other women want me to marry them.
Seemed every woman I ever had an affair with
(mmmmm) not of course that we want to call this
an affair.

H: Now why not, George? What other name would
describe it?

G: I think it's on a higher plane; a more lasting, per-
manent relationship.

H: Oh, let's not bother about the future, George.
Let's concentrate on the present, huh?

And so the relationship had drifted along, with George so accustomed to a possessive woman that Helen Baird's independence came as a welcome change. So today, after his usual surreptitious changing of trains, George Arvel, having no idea that he was being shadowed by a detective, had taken a taxicab to his love-nest, latch-keyed the door, and now we hear him calling:

(DIALOGUE)

G: Oh, Helen. I'm here. Helen, where are you?
Oh, I guess she's down on the sundeck taking
another sunbath.

§26. 6-- The detective reports

Half an hour later, Selma Arvel's phone rang in
Riverside:

(DIALOGUE)

D: Hello, Mrs. Arvel?

S: Yes.

D: This is Miss Smith from the Allstar Detective
Agency.

S: Oh, where are you?

D: I'm in Oceanside.

S: What are you doing there?

D: I followed your husband here. He's at 1159
Euclid Road.

S: Are you sure?

D: Yes, he's in there and the taxi driver tells me
it's the house belonging to a Mr. George Baird.

S: Oh, what's that address again?

D: 1159 Euclid. He's moved in there, bag and bag-
gage.

S: Well, you better not continue to shadow him any-
more. And don't say a word about it to anyone.
You better leave the neighborhood right away.
My husband may have noticed you and ---

D: No, I don't think he noticed me. I ----

S: Well, thanks a lot, Miss Smith. I can handle it
from now on. Goodbye.

§26.7--The death scene

So there we have the facts leading up to the strange death of Selma Arvel. Oceanside police received a call at 10:15 Thursday night. They went to 1159 Euclid where they found a frightened George Arvel and the body of Selma Arvel. To the police, George shamefacedly confessed his double life. He said that on this Thursday when he had entered the house and called for Helen there had been no answer. Then he had found a note which had been left on the table. He gave this note to the police. It read:

3:30 P. M. , Wednesday

George dear:

If you see this note it will mean I've missed one of your visits. I hope that doesn't happen but I've decided to visit my sister for a few days. My car is being overhauled so I'll take the train to San Diego and pick up the plane there. I'll call this number Friday noon, Saturday noon, and Sunday noon. If you should be there I'll catch a plane and come home fast.

Love and kisses,

Helen

§26.8--George's story

George said that he did not know where Helen's sister lived. He would therefore have no way of notifying Helen what had happened until she telephoned at noon tomorrow, Friday. George told the officers that he had been sitting reading when suddenly he had heard his name called in his wife's unmistakable voice. Then knuckles beat on the door. George had hurried to the door. His wife had rushed past him, into the house, saying "Get a doctor, I've been stabbed." Then she collapsed on the living room floor. George had called Dr. Keetly. The doctor's wife said Dr. Keetly was out on an emergency call but she would try to reach him. George hung up the phone and did what he could to stop the bleeding with bath towels. His wife had told him of hiring a detective to shadow him. She had, she said, been watching the house, waiting for the lights to go out, when a tall, fleshy man had jerked the car door open, said "This is

a stick-up, sister. You're going with me. If you make any noise, I'll kill you." This man had started the car, settling himself behind the steering wheel as if preparing for a long drive. The emotional shock had caused Selma to become hysterical. She started to scream. The man had by this time driven the car from the vacant lot where it had been parked to a point almost even with the beach cottage. He had let go of the steering wheel with one hand, tried to stifle Selma's screams, and then suddenly angered, had stabbed her in the chest, grabbed her purse, jumped out of the car and fled into the darkness. Selma had let the car roll a few feet necessary to bring it to the curb in front of the house, had stopped it, slid across the seat and dashed to the house, calling out her husband's name. George admitted that after Selma had told him this she had told him that she was going to get a divorce. Those were almost the last words she had said. George had helped his wife to her feet. She had managed to walk into the bedroom where she suddenly collapsed. He had put a pillow under his wife's head, had tried to stop the bleeding with towels, and then Selma had died.

George told the police his first thought had been to avoid a scandal. He telephoned Mrs. Keetly that he had secured another physician so there would be no need for Dr. Keetly to call. Then George had sat for half an hour wracking his brains, trying to think of some way by which he could move the body back to Riverside and avoid exposing his double life. At length he decided he would have to make a clean breast of it and so had called the police. The police found Selma Arvel's Buick station wagon parked at the curb. The blood stains showed where she had been stabbed while seated on the right hand side after being shoved away from the steering wheel by her assailant. The blood trail led to the living room of the house where a pool showed where Selma had collapsed. From this pool, drops led to the bedroom where the body was found.

§26.9--Interview of next door neighbor

At first police were inclined to view George's story with considerable skepticism, but when they interviewed the next door neighbor they learned:

(DIALOGUE)

- P: Mrs. Cutterson. You're the next door neighbor to the Bairds. I'd like to know if you heard any screams.
- N: Yes, I heard a scream, but I couldn't tell just where it came from. It was either inside the house or out in the passageway, and the woman was calling out "George, George." Frankly, I'm not a bit surprised. Only two days ago I told Mrs. Baird about having seen a man following her when she went uptown. I've seen him watching the house before but I thought he was a private detective. First, I wasn't going to say anything about it.
- P: Can you describe the man?
- N: He was a big, heavy man, about six feet tall.
- P: And about how old?
- N: Oh, about fifty. Something like that.
- P: How was he built?
- N: Oh, he was heavy and he had a pretty big stomach and shoulders. Pretty big man.
- P: You didn't tell Mrs. Baird at first?
- N: Oh no! She makes it plain she doesn't want to be neighborly and I don't see her over two or three times a week. She keeps to herself, and that suits me all right.
- P: And you thought this man was a detective?
- N: Oh, yes!
- P: Why?
- N: Oh well. There were people coming to the house at night. You know, her husband is away so much. I thought -- Oh, well! I don't want to say anything.

The neighbor went on to state that once or twice when Mr. Baird had returned home unexpectedly she had

seen a shadowy figure slipping out of the house by the beach entrance. However, what interested the police more than anything was the description of this big man who had apparently been keeping the house under surveillance off and on for the last three or four days. Only that evening the police had received a hot tip that a notorious character known as Jerry the Creeper was planning a job in Oceanside. Jerry had a long criminal record. He made a specialty of studying houses where for one reason or another, young, attractive women were living alone. Jerry's methods never varied. He would case a place for days. When he felt the time was right he would short-circuit the electricity, plunge the entire house into darkness, tie and gag the woman, and loot the place at leisure. So carefully did Jerry pick his town that the police had never been able to convict him of any of the more serious crimes they knew he had perpetrated.

§26. 10--Jerry the Creeper

So the police started looking for Jerry the Creeper. He was picked up about two o'clock in the morning. On Jerry police found a knife which they felt certain was the one with which Selma Arvel had been stabbed. They also found Selma Arvel's purse, together with her driving license, her gasoline credit card, and \$175 in cash. Jerry the Creeper admitted that he had been casing the beach house. He said that Helen Baird, with her monthly alimony and itinerant husband, had seemed like a soft touch. Then Helen's husband had returned and Jerry the Creeper had decided to postpone operations for a few days. But while walking past the house around ten o'clock that evening, he had seen light glinting from some metallic object in the gutter. Upon examination this had proved to be the knife. Nearby was a coin purse. Jerry had appropriated both. Not until after his arrest did he realize there was blood on the knife. Police inquiries disclosed that Helen Baird had a sister Gertrude living in Denver, Colorado. Upon being queried, Denver police reported that on Wednesday night Gertrude had gone to the airport to meet her sister Helen who was arriving on the plane from San Diego. On the way from the airport to Gertrude's apartment, Gertrude's car had been involved in

a traffic accident. Helen had sustained minor injuries. Since the attending physician feared a concussion, he had ordered that Helen be kept quiet for a few days. Records of the Denver police confirmed that this traffic accident had occurred Wednesday night. Jerry the Creeper was charged with first-degree murder.

§26. 11 The problem

You are assigned as special investigator to determine whether Jerry the Creeper was correctly charged with first-degree murder. You know that George Arvel will state that Selma Arvel said that she knew her wounds were fatal and that, if she had lived, she would have gotten a divorce. This makes Selma's statement to George a dying declaration, admissible in evidence. What steps would you take?



Selma Arvel



Arvel Residence at Riverside, California



Close-up of Arvel Residence



Miss Murphy



George Arvel interrupted by Selma while
dictating to Miss Murphy



Selma Arvel telephoning detective agency



Operative receiving note from Selma at station



George phoning Selma



Helen Baird's house at 1159 Euclid Rd.,
Oceanside, California



Helen Baird reclining



Helen Baird and George Arvel.



Helen Baird and George Arvel.
Going downstairs to beach.



George Arvel and Helen Baird.

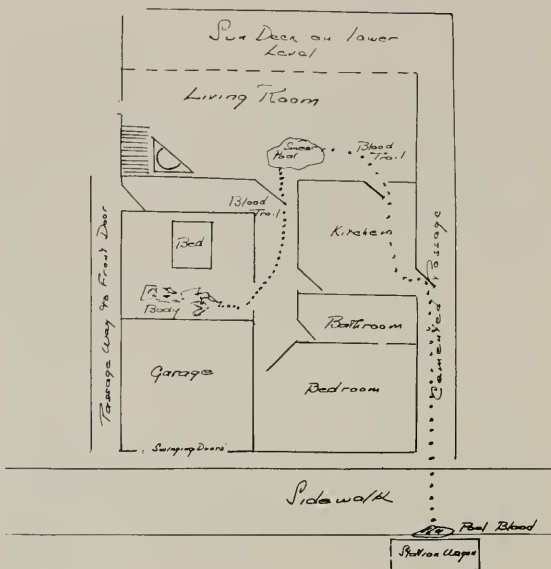


Diagram of beach house.



Body of Selma Arvel.

Hope Wednesday.
—

George dear:

If you see this note it will mean I've missed
me if you visit. I hope that doesn't happen,
but I've decided to visit my sister for a few
days. My car is being overhauled, so I'll take
the train to San Diego and pick up a place there.
I'll call this evening Friday eve, Saturday eve
and Sunday eve. If you should be there I'll
catch a place and come home fast.

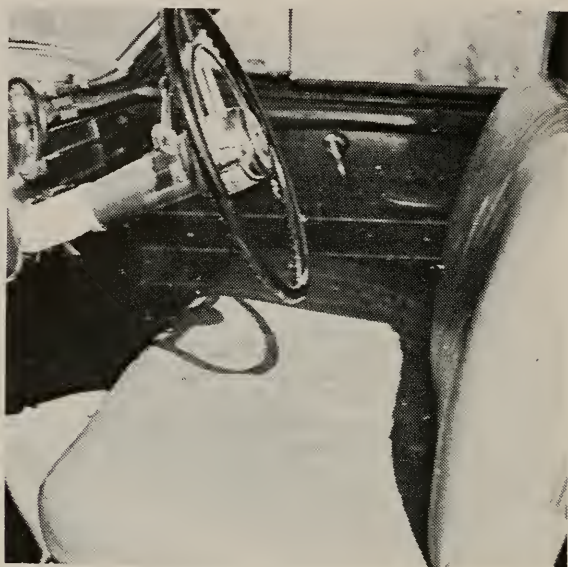
Love and kisses —

Helen

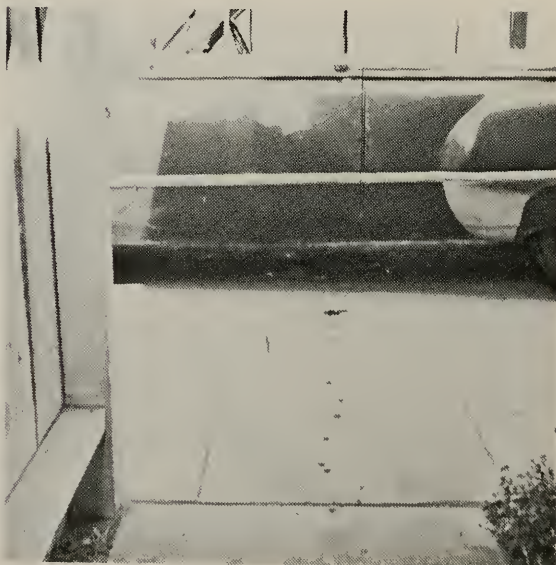
Note from Helen.



Front seat of car.



Bloodstains on car seat.



Station wagon and blood trail.



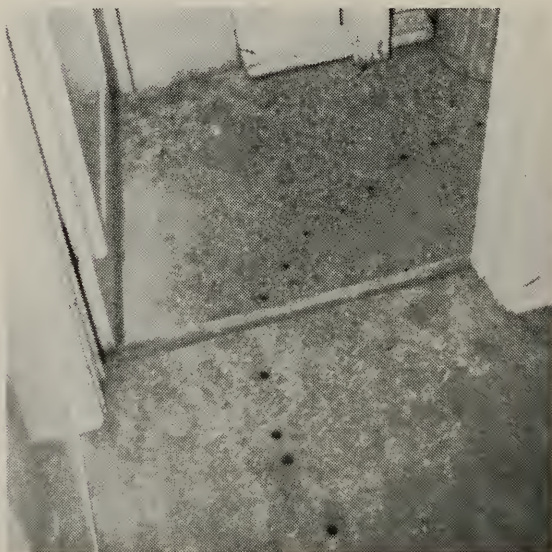
Blood trail from clot, on sidewalk.



Blood trail through kitchen door (exterior).



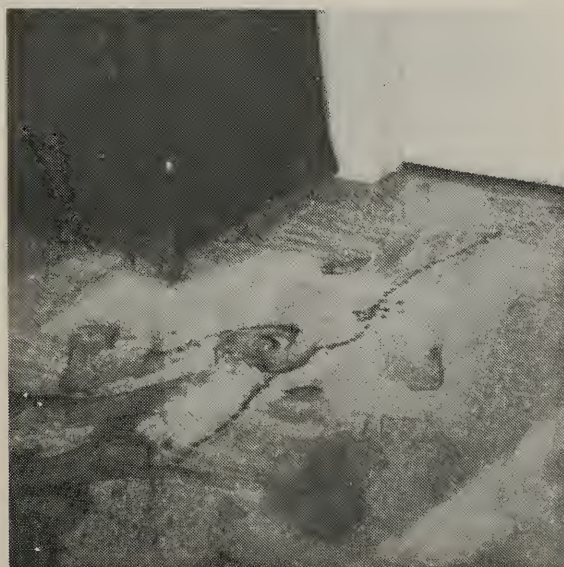
Blood trail through kitchen door (interior).



Blood trail through kitchen door (interior).



Blood smear in living room.



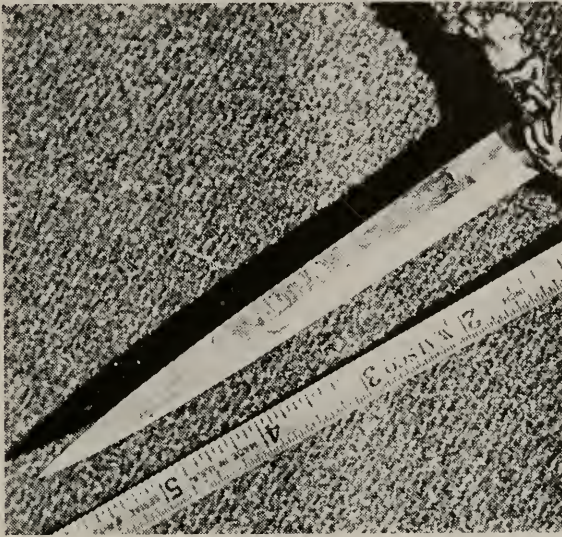
Blood smear in living room.



Close-up of Jerry the Creeper.



Jerry the Creeper.



Knife.

Instructions: After close study of the written materials and photographs, outline in detail how you would proceed with your investigation. After you have carefully planned the investigation read the following section on steps toward solution.

§26. 12 Steps toward solution

1. Study the blood spots
 - a. Unbroken, regular path from car at curb, through the kitchen door, into the living room.
 - b. No pool of blood along this path; blood spots evenly spaced.
 - c. Drops of blood are round generally.
 - d. Get blood type of blood spots, which is type "O".
 - e. Secondary blood spatters at kitchen door indicate direction which person was walking was from living room through kitchen, outside to car.
 - f. Blood drop trail from living room to bedroom has many more drops.

2. Study neighborhood of Arvel's residence; key shop next door.
 - a. Owner of key shop tells you Selma Arvel had key made from block of paraffin. You ask for duplicate. It fits the kitchen door of Helen Baird's house.
3. Check Denver police again on auto accident of Helen Baird's sister, Gertrude, on Wednesday night in Denver.
 - a. Name of passenger supposedly Helen Baird is not on record.
 - b. Get name of driver of other car. Send picture of Helen Baird to determine if she was in Gertrude Baird's car. He replies that she was not the person.
4. Check long-distance calls from Gertrude Baird's apartment to Helen Baird's Oceanside house.
 - a. Gertrude talked person-to-person with Helen on Thursday.
5. Get samples of Helen's handwriting and send these with letter found at scene to handwriting expert.
 - a. Letter was Helen's writing, but the writing is stiff and cramped.
6. Ask Denver doctor attending Helen Baird concerning the nature of Helen's injuries.
 - a. Possible concussion; long, deep cut along right shoulder down back along right shoulder blade.
7. Contact Denver police again to determine if Gertrude Baird or her woman passenger sustained any cuts from broken glass.
 - a. No cuts were sustained; no glass in the car was broken.

8. Study the car parked at curb outside the Ocean-side home of Helen Baird.
 - a. Driver's seat in closest position to wheel.
 - b. Jerry the Creeper, a large man, could not have sat behind the wheel in this position as Selma Arvel supposedly told George Arvel.
9. Check the knife for latent fingerprints.
 - a. Find Jerry the Creeper's prints.
 - b. Find one fingerprint of George Arvel.
10. Type of blood on George Arvel's clothes.
 - a. Most blood was type "O".
 - b. A few spots were type "AB" which was Selma's type.
11. You interrogate George Arvel.
 - a. At first he replies glibly.
 - b. He soon becomes embarrassed; starts shifting his position in the chair and begins mopping his forehead.

Instructions: After carrying out your investigation, write your solution to this problem. When this is written, read the following section.

§26. 13 Solution

Selma Arvel had found a key which she couldn't account for on George's key ring. She had made a surreptitious imprint of that key in paraffin. She had taken it to the locksmith the day George left, supposedly for Oklahoma. When she had received the report of the detective she had hired to shadow her husband, she hurriedly drove to Ocean-side, waited in the vacant lot until she saw the bedroom lights turned on in the house. She had then parked her car

directly in front of the house, unlocked the side door with her newly made key, crossed the kitchen and opened the door to the living room. George was taking a bath. Helen, attired in a filmy negligee, was standing in front of the fireplace putting cleansing cream on her face. There had been words. Selma had told the whole story of her hiring a detective, of having had a key made, and then in a jealous rage had whipped out a knife. Helen had screamed for George and ducked. Those were the screams the neighbor had heard. Selma had struck with the knife, making a long gash in Helen's shoulder, then she had jumped on Helen, trying to stab her again. George, running out of the bedroom and seeing the girls locked in a struggle, had grabbed Selma, not knowing Selma had a knife in her hand. As he had grabbed Selma and thrown her against the wall, the knife in Selma's hand had plunged into Selma's breast, killing her almost instantly.

Bear in mind that George Arvel was a quick-thinking sharp-shooter in the oil business. His fertile brain had quickly worked out a means by which the stage could be set so the police would not suspect either Helen or him of complicity in the death of Selma. Helen had previously told him about the warning the neighbor had given her about the big man who had been snooping around the place. Helen had also told him that earlier in the day her sister Gertrude had telephoned from Denver because she had been in an automobile accident the night before while driving away from the airport with a girl friend.

Selma had died almost instantly, and the blood trail leading from the living room to the bedroom had been where the wounded Helen had fled. The blood-stained towels had, for the most part, been stained with Helen's blood. When he had been unable to stop Helen's bleeding, George Arvel, leaving his wife's dead body on the floor where it had fallen had first tried to call Dr. Keetly. Then he had changed his mind and countermanded the call as he thought of a scheme to cover up what had happened. He had thrown a robe on Helen and escorted her from the bedroom to Selma's car. That was when the blood drops had been made on the cement and on the car seat. George had thrown the knife and Selma's purse in the gutter, then had driven Helen to a doctor where she received emergency treatment. Then, at George's suggestion, Helen had written a note dating it

the day before. He had then driven Helen to the bus depot and she had taken a bus to Los Angeles, where she took a midnight plane for Denver. She had bought the ticket, of course, under an assumed name. Then George had returned to the Oceanside house, moved Selma's body to the bedroom, and called the police.

§26. 14 Conclusion

And so, by being true to your conscientious convictions, by remembering that the duty of an investigator is to uncover and interpret all of the facts, you have solved a puzzling case and have moreover spared the district attorney further adverse criticism. Particularly is this true since it later appeared that the attorney for Jerry the Creeper had done considerable research work, knew something about legal medicine and was familiar with enough of the facts to have turned the trial of his client into a veritable debacle for the district attorney. The district attorney would, of course, have been crucified by the fallacious reasoning of the fast-talking deputy who had thought he had a dead open-and-shut case and who presumed to try and improve on the evidence.

All of this indicates the importance of impartial investigative work in every case and the necessity of having a familiarity with some of the more fundamental facts of legal medicine.

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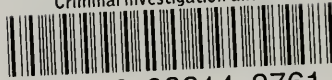
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